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I. General information about the State

A. Main demographic, economic, social and cultural indicators

1. Demographic indicators

1. The bulk of the territory of Spain is located, along with Portugal and Andorra, on the Iberian peninsula at the south-western corner of Europe, but it also comprises the archipelagos of the Canary Islands and the Balearic Islands, some other smaller islands and the enclaves of Ceuta and Melilla in northern Africa. With a total area of 506,030 square kilometres, Spain is one of the world's 50 largest countries by size. Mainland Spain covers an area of 493,514 km^2; the Canary Islands, 7,492 km^2; the Balearic Islands, 4,992 km^2; and Ceuta and Melilla, 32 km^2.

2. The country's population has experienced unprecedented growth in recent years. Between early 2001 and early 2009, it grew by 700,000 persons per year, with foreign nationals accounting for more than half a million people in that group. The number of registered residents stood at 46,745,807 as at 1 January 2009; that figure had grown by more than 5.5 million over the previous eight years as a result of the country's economic boom. More than 75 per cent of this rapid growth was due to an influx of foreigners — in early 2009, there were 5,648,671 registered aliens. Over the following three years, the total population grew by about 200,000 persons per year, only 50,000 of whom were foreigners. As at 1 January 2013, the registered population in Spain had, for the first time, decreased by 135,00 persons (to 47,129,783) as a result of a smaller foreign population. The latest available population data (mid-2013) estimate the number of foreigners at under 5 million, signifying a decrease of over 700,000 foreigners. The drop is owed, in part, to the fact that many foreigners had acquired Spanish citizenship and were thus now registered as Spaniards and to the fact that some had returned to their country of origin.

3. The composition of the total population by sex, according to data from 1 January 2013, is 49.2 per cent male and 50.8 per cent female. For Spaniards, the figures are 48.9 per cent male and 51.1 per cent female, while for non-Spaniards they are 51.5 per cent male and 48.5 per cent female. In terms of age, 15.0 per cent of the total registered population is under 15 years of age, 67.3 per cent is between 16 and 64 years of age and 17.7 per cent is 65 or older. For Spaniards, 15.0 per cent are under 15, 65.8 per cent are between 16 and 64, and 19.2 per cent are 65 or older; for non-Spaniards, 14.6 per cent are under 15, 78.9 per cent are between 16 and 64, and 6.5 per cent are 65 or older.

4. As at 1 January 2013, there were 5,546,238 registered aliens in Spain. The 27 European Union countries accounted for 2,359,371 persons, mainly Romania (870,258), the United Kingdom (385,179) and Italy (192,431). Aliens not from the European Union were mainly from Morocco (792,158), Ecuador (263,498) and Colombia (222,542).

5. In 2012, there was a decrease in the foreign population, mainly among the Ecuadorian, Romanian and Colombian communities (each shrinking by more than 20,000 persons). In the case of Ecuadorians and Colombians, that was due in great part to the impact of naturalizations. The fastest growth is in the Chinese, Russian and Moroccan communities, although it is only about 4,000 persons each. According to provisional data from the National Statistics Institute, the foreign population fell by more than 200,000 persons during the first half of 2013, reaching 4,870,487. The drop was strongest among the Ecuadorian and Colombian communities (over 28,000 persons), followed by the Romanian and Moroccan communities (over 23,000 persons).

2. Economic indicators

6. In recent decades the Spanish economy has undergone a sweeping transformation that has reshaped not only the country's productive structure but also the role played by economic policy. The economic system espoused by the rigid autarchy that had prevailed until the 1960s, with its high degree of interventionism and limited integration, has been left behind for membership in the most advanced economic and monetary union in the world.

7. When Spain joined the European Economic Community in 1986, it opened to the rest of the world and also to liberalization in search of greater efficiency in goods, services and factor markets. A large-scale economic reform was launched to modernize Spanish markets by enhancing their operation and promoting integration initially into European markets and subsequently the global marketplace. Agriculture's role in the economy had diminished, as illustrated by the sharp drop in the sector's share of GDP and employment. Industry, too, had lost some of its economic weight, while services expanded considerably, currently accounting for 66.7 per cent of the country's GDP. The financial sector has also seen extraordinary change. The large Spanish banks, for example, have demonstrated remarkable buoyancy on international markets and have gained footholds in other countries; their efficiency ratios make them highly competitive vis-à-vis other operators in the sector.

8. These changes first began with the Stabilization Plan of 1959 but received their main impetus from the Moncloa Pacts that were signed in 1977 by the government of Adolfo Suárez and the social partners as part of an integrated strategy to modernize the Spanish economy and ease recovery from the oil crisis. However, new pressures on oil prices at a time of slow growth and high inflation crippled the ability of new reforms to foster economic growth in Spain. Between 1986 and 1989, growth pushed ahead at about 5 per cent (4.7 per cent average annual rate, or around 20 per cent for the four years as a whole) thanks to the jump in domestic demand for both investment and consumption, which led to expansion in employment and greater consolidation of public accounts. At the same time, the strong domestic demand caused the external imbalance to grow and inflationary tensions began to emerge.

9. In 1993, the Spanish economy plunged into a deep crisis that halted the convergence towards the income levels of other European Union members. The result was a significant increase in unemployment, which hit nearly 25 per cent for the economically active population, a sharp rise in inflation and a widening gap in public accounts. On 1 January 1999, the 11-member European Monetary Union was finally created. The most immediate implication of creating a common currency was undoubtedly the new approach to monetary policy, which was now overseen solely by the European Central Bank: the Bank of Spain no longer had direct authority to set monetary policy strategy.

10. As part of the "first wave" of countries joining the euro zone, Spain enjoyed a climate of confidence that was bolstered by other, exogenous factors, all of which undoubtedly helped to consolidate the economy's buoyancy and prolong the expansionary phase of the cycle that has continued to this day. The setting of an exchange rate for entry into the euro zone that was favourable to Spain (in that it clearly improved the competitiveness of Spanish products and consequently spurred exports), together with the significant drop in interest rates that resulted from the convergence process and the commitment to budgetary discipline, stimulated growth during the second half of the 1990s and the first part of the 2000s. At the same time, it enabled significant headway to be made towards convergence with the standard of living of other European Union members.

11. The National Reform Programme approved by the European Commission in October 2005 was the benchmark for the Government's medium-term economic policy, which set as its strategic objective complete convergence of income levels with the

European Union by 2010. This objective was already reached in 2006, according to data published by the Statistical Office of the European Union (Eurostat).

12. The significant inflows under the European Union's structural funds and migratory flows have had a positive impact on GDP growth, job creation and macroeconomic consolidation, such that the public-sector deficit began to shrink and inflation rates remained moderate. During the period, various reforms were implemented in labour, goods and factor markets. The bullish phase of the Spanish economic cycle continued for more than 13 years and built up enormous momentum. This was not the case in most other European countries, where — despite an expansive monetary policy — sluggish demand prevented economies from achieving more robust levels of growth.

13. As a consequence of the factors described above, since 1999 Spain has acquired a notable growth differential vis-à-vis the other countries of the euro zone, of about 1.4 percentage points on average. With this greater growth, the GDP per capita of Spain has widely surpassed the average for the 27 European Union members and currently stands at 95.5 per cent of the euro zone average. In recent years, the growth of the Spanish economy has been driven essentially by brisk domestic demand, in particular consumer demand and investment in construction. Economic policy is aimed at increasing investment in capital goods with a view to strengthening the quality of growth in the years to come.

14. A variety of factors have contributed to the trade deficit, including weak domestic demand, lower international oil prices in recent months and the continuing growth of exports despite the sluggishness of the major euro zone economies. The external sector has thus gone from dragging GDP growth down by 0.2 points in the first quarter of 2008 to boosting it by 0.8 points in the third quarter of that year.

Current structure of the Spanish economy by sector

15. Over the past four decades, the relative weight of the different sectors of the economy has varied substantially, with the services sector expanding considerably at the expense of the other sectors. For example, in 1995 the gross value added (GVA) of the industrial sector represented 20.3 per cent of GDP, compared with 15.9 per cent in 2013. The construction sector's loss of share has been particularly significant: it went from accounting for 8.8 per cent of GDP in 1995 to 12.6 per cent in 2006 but then began to decline, dropping to 7.2 per cent of GDP in 2013. The services sector's contribution to GDP went up 6.7 percentage points during that period (from 59.1 per cent in 1995 to 65.8 per cent in 2013).

Industrial sector

16. According to a sector survey, the value added of the industrial sector in 2012 exceeded €125 billion and the sector employed 1,922,272 people. Industrial investment amounted to €21,184 billion. In 2000, this sector's productivity began to grow faster than the economy as a whole (national accounts), but the trend was interrupted in 2008 when industrial GVA plummeted and left the sector's productivity below that of the overall economy. However, since 2010, the industrial sector's productivity has resumed growth and it is again outperforming the economy as a whole, having posted 4.5 per cent growth in 2013 (compared with 2.6 for the overall economy). The sector has outperformed the overall economy throughout almost the entire accounting series, reaching €78,300 for full-time equivalent positions in 2013 versus €64,500 for the overall economy.

17. An analysis of industrial capital stock by size of enterprise (measured by the number of employees) shows that, in 2012, enterprises with more than 250 employees generated 53.3 per cent of the sector's turnover and accounted for 32 per cent of employment.

18. The branches of industry that contributed the most to total turnover in 2012 were: food (15.1 per cent), electricity generation, transport and distribution (12.8 per cent) and oil and gas (10.2 per cent). The branches employing the highest number of people were: food (16.0 per cent), manufacture of fabricated metal products, except for machinery and equipment (11.6 per cent) and motor vehicles (7 per cent).

Energy sector

19. Primary energy production in Spain totalled 33,750 kilotonnes of oil equivalent (ktoe) in 2013. By source, the bulk of primary energy production in 2013 came from nuclear electric power (43.8 per cent), followed by wind and solar energy (22.7 per cent), biomass and biodegradable waste (17.8 per cent) and hydroelectric power (9.4 per cent). Oil and natural gas together accounted for 1.2 per cent.

20. Primary energy consumption in Spain totalled 121,119 ktoe in 2013. The main sources were fossil fuels: oil (43.7 per cent), natural gas (21.5 per cent) and coal (8.75 per cent). Renewable energy and nuclear electric power contributed 14.3 per cent and 21.5 per cent, respectively. The net balance of energy imports and exports was -579 ktoe (-0.5 per cent).

21. Gross electricity production in 2013 was 282,258 gigawatt-hours (GWh). Of that amount, 40.4 per cent was generated by renewable energy sources; 19.9 per cent by nuclear sources; 14.6 per cent by coal; 20.0 per cent by natural gas; 4.9 per cent by petroleum products; and 0.3 per cent by other sources. The net demand for electricity in Spain was 262,197 GWh, with a net import-export balance of -6,731 GWh.

Construction sector

22. For many years, construction was the most buoyant sector of the Spanish economy. In 2006, the sector's GVA accounted for 12.6 per cent of GDP. Since then, the construction sector has been losing prominence in the country's economy, hitting a low (in the national accounts series) of 6.8 per cent in the first quarter of 2014. Investment in construction has also experienced a sharp decline in recent years, sliding from 22.2 per cent of GDP in 2006 to 9.3 per cent in the first quarter of 2014. The contraction of the sector has been directly reflected in the job market: construction accounted for 5.6 per cent of the overall workforce in the first quarter of 2014, compared with over 13 per cent in 2007, according to a survey of the economically active population. The sector's productivity has fluctuated significantly over the past decade, going from very low or negative growth between 1996 and 2007 to double-digit rates in 2008 and 2009, owing to the sharp decrease in employment in construction during those years (-11.5 per cent and -16.24 per cent, respectively, in terms of full-time equivalent positions). In 2013, sector productivity grew 0.1 percentage point slower than the overall economy (4.6 per cent versus 4.7 per cent), even though the level in current euros remains higher than that of the overall economy (€74,900 per full-time equivalent position compared with €64,500).

Services sector

23. The services sector has been gaining importance in the economy, and in 2013 accounted for 65.8 per cent of GDP. According to an annual survey of the sector, in 2012 the sector's turnover had decreased by 2.9 per cent to €419,202 million. The activities that contributed the most to total turnover were: transport and storage (23.4 per cent), followed by information and communications (18.3 per cent) and professional, scientific and technical activities (17.1 per cent). Within the services sector, tourism and tourism-related industries play a key role because of their impact on the economy and employment. In 2013 more than 60 million tourists visited Spain, which ranks third in the world for arrivals and

second for receipts. Spain is home to the headquarters of the World Tourism Organization, a specialized agency of the United Nations.

24. The sector's shrinkage resulted in a slightly smaller drop in the number of persons employed (-1.9 per cent). The activity employing the most people was the hotel industry (22.8 per cent), which was followed by administrative activities and support services (22.2 per cent) and professional, scientific and technical activities (17.4 per cent).

25. In terms of the national accounts, the services sector has an even greater impact on total employment than on GVA. In 2013 full-time equivalent positions in the services sector accounted for 76.3 per cent of those positions in the overall economy, which was up 12.4 percentage points from 1995. Because of the gap between GVA growth and employment growth, this sector's productivity has increased less than that of the economy overall throughout the entire series (except in 2000, 2008 and 2010). This higher growth, however, has been associated with a level of productivity in the services sector that is lower than that of the economy as a whole (€55,700 compared with €64,500 per full-time equivalent position).

3. Social indicators

The workplace, social partners and collaboration

26. The Government and social partners have reached some important agreements in the employment sphere in recent years, such as the Tripartite Agreement on Alternative Dispute Resolution, the Agreement on Social Security Contributions for Part-time Employees and the dialogue currently under way to prepare the Fifth Agreement on the Subsystem of Vocational Training for Employment. In addition, the Government holds regular consultations with the social partners when formulating policy, as with the Youth Guarantee Implementation Plan and the Youth Entrepreneurship and Employment Strategy.

27. The largest social partners in Spain are, on the employer side, the Spanish Confederation of Employers' Organizations (CEOE) and the Spanish Confederation of Small and Medium-sized Enterprises (CEPYME) and, on the employee side, the Trade Union Confederation of Workers' Committees (CCOO) and the General Union of Workers (UGT).

28. The labour market in Spain is recovering from a period of massive job destruction that pushed unemployment to 26 per cent in 2013. The fragility of the labour market stems from both circumstantial and structural factors; other economies, for instance, have gone through a similar economic recession without suffering such staggering losses of jobs. The current state is also a result of how the labour market itself operates, as its inability to absorb adverse shocks has magnified the effects of the crisis on employment.

29. At the end of 2013, the labour market was showing general signs of stabilization. According to a survey of the economically active population conducted by the National Statistics Institute, the Spanish economy in fact created jobs in the last quarter of 2013 in seasonally adjusted terms. The data from the survey confirm the trend shown by the other two measures most commonly used in economic analysis: seasonally adjusted data on unemployment claims showed a downturn, and the number of people paying into the social security system increased during the second half of 2013. The main reasons for this were better economic performance, with GDP growth expected to be at 0.7 per cent, and greater flexibility in the labour market, which is better prepared to convert GDP growth into job creation. In particular, it is hoped that the flexibility introduced by the 2012 labour market reform will allow the economy to create jobs with GDP growth significantly lower than the 2 per cent that had typically been observed in Spain. Moreover, all the initiatives under

active and passive labour market policies will help revitalize employment and revive the labour market.

30. Against this backdrop, the Government decided to embark on an ambitious and far-reaching reform package to stop job destruction and instead create jobs as a matter of urgency. With specific regard to labour migration, in 2012 a study was commissioned on the migration of skilled labour and the policy for attracting investment in Spain. The study highlighted the importance of endowing the system with the flexibility required by the Spanish economy in order to meet the needs of the international workplace. On 27 September 2013, the Entrepreneur Support Act was adopted; it included a section on "international mobility" aimed specifically at enabling investors and skilled migrants to enter and stay in Spain and at fostering economic growth by "globalizing" Spanish business and thereby promoting job creation. The idea is to reconcile traditional views on labour immigration and security with a new approach in support of international business, based on the view that immigration policy can foster competitiveness and thereby contribute to Spanish social and economic progress. Lawmakers have thus opted to enact special legislation to facilitate the entry of certain categories of foreigners, namely investors, entrepreneurs, highly qualified professionals, researchers, scientists and technical experts, university and business school professors, and persons moving to Spain under work, professional or vocational training arrangements with firms established in Spain or another country.

31. In March 2012, the Council of Ministers approved the establishment of a fund to finance supplier payments in order to clear government arrears to suppliers. In addition to settling the commercial debt of regional and local governments, the Supplier Payment Plan has injected significant liquidity into the productive economy. It has played a key role in supporting business and preventing further job cuts by providing direct liquidity where it has most been needed, allowing suppliers of local and regional governments to collect outstanding debt in a streamlined manner and thus continue doing or resume business.

32. Pursuant to the first additional provision of Organic Act No. 2/2012 of 27 April 2012 on budgetary stability and financial sustainability, Royal Decree-Law No. 21/2012 of 13 July 2012 on government and financial liquidity established the Regional Government Liquidity Fund as a temporary and voluntary support mechanism. Through the Fund, the regional governments were able to cover their funding needs and work around credit access problems in 2012 and 2013; the lower-cost financing also led to higher compliance with fiscal consolidation objectives. The liquidity provided since 2012 under the Supplier Payment Plan and the Regional Government Liquidity Fund in the form of direct payments to suppliers produced a 3 per cent increase in GDP and led to the medium-term preservation or creation of 400,000 jobs that would otherwise have been lost.

33. The economically active population of Spain totalled approximately 22,993,500 in the third quarter of 2009, with an activity rate of 73.9 per cent for persons between the ages of 16 and 64. Although the trend had been upwards in recent years, the number of economically active persons is now stagnant because of the economic and employment crisis. The trends among men and women have been quite different during the crisis. While, for men, the activity rate has been creeping downwards since the third quarter of 2008, for women it has risen steadily, reaching 65.7 per cent in the third quarter of 2009. The activity rate among resident non-Spaniards is 76.6 per cent for the population aged 16 and over and has only started to decline since the second quarter of 2009.

34. In December 2013, the number of non-Spaniards paying into the social security system was 1,543,306, up from 1,132,465 in January 2011. Spanish immigration policy has traditionally linked the admission of immigrants to the labour market's absorption capacity. This is reflected in the trends in recruitment abroad: in 2006 some 204,000 foreigners

emigrated to Spain, followed by 250,000 in 2007, but since 2009 there has been a downwards trend, with 3,021 recruitments in 2012.

35. The Ministry of Employment and Social Security, through its General Secretariat for Immigration and Emigration, sits on the Tripartite Labour Commission, which is a standing forum for the central government and the most representative trade unions and employers' associations to discuss the management of migration flows. The social partners are included in the process so that migration policy can more effectively serve the purpose of meeting the employment needs not met by resident workers, in accordance with immigration and labour legislation and while protecting the rights of national and foreign workers.

Health and social policy

36. The Constitution of 1978 establishes the right of all citizens to effective health protection and to equitable, efficient health care of the highest possible quality. These provisions, contained in articles 41, 43, 49 and 51, represent a major step forwards in social terms inasmuch as they recognize the right to health care as a public, objective, personal and non-contributory right and at the same time guarantee equality before the law, without discrimination, for all citizens and equitable access to the services delivered. The Constitution also assigns responsibilities between the central and the autonomous regional governments. Under the Constitution, beginning in 1979 responsibility for public health was transferred to the regional governments and that process continued over the following years. At present, all the autonomous regional governments and Ceuta and Melilla (which have autonomous status) have had these responsibilities transferred to them. The decentralization of responsibility for the health-care services previously managed by the National Health Institute, which began in 1981 with the transfer to the Autonomous Region of Catalonia, was extended to Andalusia, the Basque Country, the Valencian Community, Galicia, Navarra and the Canary Islands between 1984 and 1994 and subsequently to the remaining regional governments. The transfer was completed in January 2002, with the central government retaining responsibility for managing health-care services for Ceuta and Melilla through the National Health-Care Management Institute (INGESA). Having the regional governments assume this responsibility brings health-care management closer to the people. The experience gathered in the collaboration between the State and the regional governments in the area of health protection has helped to foster cohesion in a state that is made up of autonomous regional governments. The objective of this joint effort, which includes all health sector stakeholders, is to enable the national health system to maintain a shared identity and to respect the constitutional principles of unity, autonomy and solidarity on which the "state of autonomies" is founded. With health-care responsibilities now fully decentralized and regional governments determining how they organize or provide such care, the Ministry of Health, Social Services and Equality holds responsibility for proposing and implementing government policy on health-care planning and delivery and for exercising the central government's responsibility of safeguarding citizens' right to health protection. Among its tasks, the Ministry coordinates the national health system and designs strategies to ensure equity, quality and efficiency at the national level, serving as a vehicle for cooperation in the implementation of regional initiatives.

37. In accordance with article 69 of Act No. 16/2003 on cohesion and quality in the national health system, the Interterritorial Council of the National Health Service is the standing body for health services coordination, cooperation, communication and information between those services and the different levels of government. It aims to promote the cohesion of the national health system by effectively ensuring the rights of citizens throughout the State. The Minister of Health and the regional governments' health advisers are represented on the Council, as it is a scientific and technical support body of the national health system. The Health Act (No. 14/1986) gives effect to the constitutional mandate making the State responsible for the general coordination of health matters: it must

provide the means for information-sharing, technical consistency and joint action that pools and coordinates individual activities within the national health system. In addition, the Council-approved guidelines for general health-action coordination must be observed when preparing the Integrated Health Plan, which should reflect the national, regional and combined health plans and their sources of funding. The Plan must also be submitted to the Interterritorial Council. Under the Health Act, the national and regional governments are to set up technical committees, conclude agreements and design joint programmes as required for more effective and cost-efficient health services. Section II, in articles 38 to 43, establishes the responsibilities of the central, regional and local governments. The central government holds exclusive responsibility for the following: transboundary health and international health relations and agreements; general coordination and organization of health matters; legislation on pharmaceutical products; and the certification, awarding and recognition of postgraduate qualifications in the health field.

38. Accordingly, the Ministry of Health, through its General Secretariat for Health and Consumption, performs all functions related to public health, interterritorial coordination, high-level inspection, health planning, regulation of the health professions, and formulation and implementation of pharmaceutical policy, as well as government funding and pricing of drugs and health products, promotion of practical applications of research innovation and advances, particularly advanced therapies, in the national health-care system, and framing a ministerial-level policy to coordinate transplant policy. The Ministry is also responsible for the development of information systems and promotion of health strategies and quality programmes within the national health system, as well as for proposing regulations on consumption to protect and promote the rights of consumers and users, formulating and enforcing effective procedures for consumer protection, interterritorial institutional cooperation in this area, supporting consumer associations and supporting the Consumers and Users Council.

39. Measures that give effect to the right to health protection are regulated by several laws: the Health Act (1986), the Act on Cohesion and Quality in the National Health System (2003), the Act on Guarantees and Rational Use of Drugs (2006), the Public Health Act (2011) and the Royal Decree-Law on Urgent Measures to Sustain the National Health System and Improve Quality and Safety (2012).

40. The main purpose of the Health Act, as stated in its article 1, is to regulate all measures that give effect to the constitutional right to health protection. To this end, the Act creates a national health system with universal coverage that is eminently public in nature, is financed by the national budget and comprises the health services of the central and regional governments. The passage of the Health Act significantly transformed the Spanish health-care landscape by grouping all the existing health-care and public assistance resources under a single umbrella, similar to the social security system, and by linking health promotion and disease prevention policies and activities with medical and pharmaceutical services delivery. Once health-care responsibilities were transferred to the regional governments, some adjustments had to be made to the legal framework. Act No. 16/2003 of 28 May 2003 on cohesion and quality in the national health system defined a series of coordination and cooperation measures among public health authorities as a means of ensuring citizens' right to health protection, with the shared objective of guaranteeing equality of access to services, the quality of services and citizens' participation. The Public Health Act (No. 33/2011 of 4 October 2011), in turn, provides the framework for the citizenry to attain and maintain the best possible level of health by means of policies, programmes, services or other initiatives undertaken by the public authorities, business or civil society organizations to address the processes and factors that have the largest impact on health, and thus prevent illness and protect and promote human health at both the individual and community level.

41. Royal Decree-Law No. 16/2012 of 20 April 2012 on urgent measures to sustain the national health system and improve quality and safety and its implementing legislation have the following objectives:

- To guarantee the right of citizens to health protection, based on the principle of universality;
- To ensure the equality of all citizens and equitable access to common services;
- To ensure the quality of care;
- To guarantee free and equal health rights in all the autonomous regions;
- To promote better health care for patients by providing the necessary continuity of care (integration of primary and specialized care);
- To ensure better management;
- To improve cohesion and cooperation among the regional services that comprise the national health system for the benefit of patients;
- To ensure the sustainability of the public health system;
- To make headway in the regulation of health-care rights in accordance with European Union standards;
- To encourage the professional development of health workers.

42. The first-level health-care services (i.e., primary health care) are broadly accessible and have sufficient technological capacity to handle the most common health problems. The second-level services (i.e., specialized health care) comprise the system's most complex and costly diagnostic and therapeutic procedures and devices; to ensure greater efficiency, these services are grouped together and access is limited through referrals by primary health care physicians. Under the concept of primary health care, an array of basic services are available within an average of 15 minutes from any home. Health care is provided mainly at the country's health centres, which employ multidisciplinary teams comprising family doctors, paediatricians, nursing staff and administrative personnel; they may also have social workers, midwives and physical therapists available. Given its location within the community, this is the level tasked with health promotion and disease prevention. As an extreme example of accessibility and equitable access, primary health care is administered directly in a person's home when necessary.

43. Specialized health care is provided at specialized centres and hospitals on an outpatient or inpatient basis. Once a procedure has been completed, the patient and his or her medical files revert to the primary health care physician, who is assured a full clinical and therapeutic overview by having all the patient's medical files at hand. This makes it possible to ensure equitable continuity of care, regardless of the person's place of residence or individual circumstances, since the care is provided close to the patient's own home. Within this structure, health-care resources are allocated essentially through planning based on population-defined, geographical districts, known as health areas. The health areas are established by the regional governments, taking into account a variety of factors but mainly the proximity of services to users. The health areas tend to cover between 200,000 and 250,000 persons, but regional specificities are such that this number is purely indicative.

44. The health areas are in turn subdivided into basic health zones, which form the local level for primary health care. It is at this level that the health centres offer services. The zones are delineated according to population density, epidemiological characteristics and the facilities available. Each zone covers a population ranging from 5,000 to 25,000 people. Each health area has a general hospital which is the reference centre for specialized care. Some health services have an intermediate structure between the health areas and the basic

health zones. The services provided by the national health system include preventive care, diagnostic services, therapy, rehabilitation, and health promotion and maintenance.

45. All health care — primary, specialized and emergency — is provided free of charge; no payments are made at the time of service delivery. Public health services are accessed using the individual health-care cards issued by each health service. This card identifies individuals as users throughout the national health system. In Spain, any person meeting any of the following criteria is entitled to publicly funded health care and health protection:

- Persons who are employed by someone else or who are self-employed and contribute to the social security system and are currently in active contributory status or similar;
- Pensioners under the social security system;
- Persons who regularly receive any other benefit, including unemployment benefits and allowances;
- Persons who are no longer eligible for unemployment benefits or allowances and are registered as seeking employment, and are otherwise ineligible for insurance and reside in Spain.

46. Persons who do not fall into any of these categories but who are Spanish citizens, or are citizens of any member State of the European Union, the European Economic Area or Switzerland and reside in Spain, or are legal alien residents of Spain are eligible for insurance provided that they can prove they do not earn more than the ceiling determined by law.[1] The following persons qualify as eligible dependents of an insured person provided that they reside in Spain: spouse or person with status similar to that of a spouse (who must provide proof of official registration) of an insured person; dependent former spouse or legally separated spouse; descendants or equivalent of an insured person or of the insured's spouse (even if legally separated), of a dependent former spouse or of a dependent de facto spouse under 26 years of age or having a disability rating of 65 per cent or higher.

47. Persons who are neither insured nor entitled to coverage through someone who is insured may receive health care by paying the relevant co-payment or premium under a separate agreement. Persons who are insured under the special social security schemes operated by the Civil Servants General Mutual, the Judiciary General Mutual or the Armed Forces Social Institute can opt for public health care (under the national health system) or private health care (through insurance providers). Persons who belong to one of these mutuals and opt to receive health care through an insurance provider must seek treatment at a health-care centre affiliated with those providers; if they receive care at a public health centre, their provider will be billed accordingly. The National Social Security Institute is responsible for establishing and monitoring insurance entitlements through its provincial directorates. Once the entitlement of an insured person or dependant has been established, the right to health care will be assured by the competent health authorities, who will authorize access to health-care services by issuing the individual health-care card. The Institute provides the health authorities with the necessary data (individual consent is not required) to ensure that the terms and conditions for recognition of the right to health care are being met at all times.

48. According to a 2013 report of the Organization for Economic Cooperation and Development, 99 per cent of the Spanish population has public health insurance and 13.4 per cent has additional, optional private coverage. Coverage is therefore provided to

[1] This limit was set at €100,000 per year under article 2.1 (b) of Royal Decree No. 1192/2012 of 3 August 2012, regulating the status of insured persons and dependants for purposes of publicly funded health care in Spain through the national health system.

virtually all Spanish citizens and to residents who are entitled to coverage under bilateral agreements. Royal Decree-Law No. 16/2012 clarified and established uniform conditions for access to public health care under the headings of "insured" and "eligible dependant"; the mechanism gives legal recognition to the two categories on equal standing and applies to Spanish citizens as well as to resident aliens. The new regulation, which amends article 3.3 of Act No. 16/2003 of 28 May 2003 on cohesion and quality in the national health system, states that foreigners who are not registered or authorized to live in Spain will receive publicly funded health care through the national health system in the following cases:

(a) Emergency care for a serious illness or accident, regardless of the cause, up to the time of discharge;

(b) Prenatal, delivery and post-partum care;

(c) All foreigners under the age of 18 shall receive health care under the same conditions as Spanish nationals.

49. The services provided by the national health system include preventive, diagnostic, therapeutic and rehabilitative care, health promotion and health maintenance. The list of core services was established in Act No. 16/2003 on cohesion and quality in the national health system and in Royal Decree No. 1030/2006 of 15 September 2006, regulating the list of core services provided by the national health service and the procedure for updating that list. Royal Decree-Law No. 16/2012 subsequently amended the list to include various subcategories:

- Additional core services provided by the national health service. These include pharmaceuticals, prosthetics, dietary products and non-emergency medical transport, if ordered by a health professional. This list will take into account efficacy, efficiency, effectiveness, safety and therapeutic value, as well as benefits and care alternatives, care for less protected or at risk groups and social needs, as well as economic impact and organization. New techniques, technologies or procedures will be subject to a mandatory evaluation by the Spanish Network of Health-care Technologies and Services Evaluation Agencies prior to their inclusion in the national health system;

- Core services provided by the national health service. These include activities and services or technologies that are non-essential or are used in treating chronic conditions;

- Complementary services in the autonomous regions. The regional governments may incorporate a technique, technology or procedure that is not included on the other lists of services, providing the additional resources required and informing the Interterritorial Council of the rationale.

50. The co-payment arrangements for paying for pharmaceuticals were amended under Royal Decree-Law No. 16/2012 to create a new pharmaceutical service model that provides all citizens with access to the medications they need. The new model is sustainable and ensures universal care. Three criteria were introduced in order to calculate co-payment amounts (i.e., patient's income level, age and seriousness of illness) and thereby improve equity. For example, especially vulnerable persons, such as the long-term unemployed who have lost their unemployment entitlements, used to pay 40 per cent of the cost of medication but now are fully exempt from payment. Recipients of minimum social support allowances, non-contributory pensions and similar type payments are also exempt, as are persons receiving treatment for workplace injuries and occupational illnesses. Patients with serious or chronic illnesses receive a discount of 10 per cent on the medications and medical goods they require for their condition, with a cap on payments tied to the consumer

price index. Three income-based co-payment brackets have been established, ranging from 0 to 60 per cent. The groups that have no co-payment at all are mentioned above. The co-payment rate brackets are as follows: 40 per cent for patients and dependants with an annual income below €18,000; 50 per cent for those whose annual income is between €18,000 and €100,000; and 60 per cent for those whose annual income is €100,000 or higher. Under article 94 bis, paragraph 5 (d), of Act No. 29/2006 of 26 July 2006 on guarantees and the rational use of medications and pharmaceutical products, social security recipients and their dependants pay 10 per cent of the retail price, whereas those who earn €100,000 or more, as declared on their personal income tax declaration (under "realizable income and savings"), pay 60 per cent. The caps on monthly maximum payments are income-based, as follows: €8.26 for pensioners with an annual income of under €18,000; €18.59 for pensioners with an income of between €18,000 and €100,000; and €62 for pensioners with an income of over €100,000. There is a different pharmaceutical cost-sharing scheme for active workers and pensioners covered by State-run mutuals (MUFACE for staff of the State civil administration, ISFAS for armed forces and Guardia Civil personnel and MUGEJU for those working in the judiciary); these schemes cover 30 per cent of the cost of medicines. Covered pharmaceutical products include most of the medicines authorized in Spain. Only non-prescription drugs, cosmetics and beauty products are excluded. There is a list of products not covered that includes medications of limited therapeutic value. The Spanish Agency for Medicines and Medical Goods of the Ministry of Health, Social Policy and Equality is responsible for evaluating medicines for purposes of registration and authorization. Access to pharmaceutical benefits at the primary care level is provided through pharmacies, which are regulated in terms of licensing, opening hours and inspection by the regional governments. The public system provides the following complementary services: prosthetic devices, emergency and scheduled transport, complex dietary treatments and home-based oxygen therapy.

51. According to the 2012 report of the Ministry of Health, Social Services and Equality on the national health system, the system has 3,006 health centres. There are also 10,116 local clinics, which are located in smaller towns. Health-care providers commute from the health centre to the clinics in their area to provide basic health-care services to the population living in remote rural areas, most of whom are elderly. The national health system has 790 public hospitals (1.8 per 100,000 inhabitants) with 162,538 beds (352.5 per 100,000 inhabitants). Four out of every 10 hospitals are public and 6 are private, but the proportion is reversed when it comes to beds: 7 out of every 10 beds are public and 3 are private. The breakdown by speciality is as follows: out of every 10 hospitals, 7 treat acute illnesses, 1 provides psychiatric care and 2 provide geriatric and long-term care, while out of every 10 beds, 8 are in acute care, 1 is in psychiatric care and 1 is in geriatric and long-term care. Administratively, 50 per cent of acute care hospitals and 75 per cent of associated beds are public, as are 30 per cent of psychiatric hospitals and 34 per cent of associated beds and 30 per cent of geriatric and long-term care hospitals and 37 per cent of associated beds.

52. Approximately 272,000 doctors and nurses, 7 out of 10 of whom are women, work in public health centres and hospitals. The slightly more than 114,000 doctors are outnumbered by nurses, who total 157,000. Postgraduate staff in training, who include some 19,000 interns and residents, should be factored in to the number of health professionals at public hospitals. More than 35,000 doctors (approximately 29,000 family doctors and over 6,000 paediatricians) — half of whom are women (5 out of 10) — and over 29,000 nurses — 8 out of 10 of whom are women — work in the national health system's health centres and local clinics. The ratio of primary care doctors and nurses is 7.6 and 6.3 per 10,000 inhabitants, respectively. More than 79,000 doctors (17.2 per 10,000 inhabitants) — 4 out of 10 of whom are women — and over 128,000 nurses (27.9 per 10,000 inhabitants) — 9 out of 10 of whom are women — work in national health system

hospitals and specialized centres. The breakdown of doctors by specialization is as follows: out of every 10 doctors, 5 are specialized in a branch of medicine, 3 in surgery, just over 1 in central services (clinical analysis, microbiology, radiology) and just under 1 in emergency care.

53. The annual number of primary health care visits per person in the national health system is 6, meaning that health centres and clinics see approximately 259 million doctor's visits per year. If out-of-hours emergency care is included, the number of visits rises to 279 million; and it jumps to over 418 million when nursing care is included. Each year there are more than 5.2 million hospital admissions, of which 4.2 million (80.7 per cent) are funded by the national health system. Furthermore, 82.6 million examinations by specialists are conducted each year (87.3 per cent of which are covered by the national health system), 26.2 million emergencies are attended to (78.6 per cent of which are publicly funded) and 4.7 million surgeries are performed, of which 1.3 million are outpatient procedures. More than 358,000 births have taken place in hospital, of which over 121,000 were Caesarean sections. Some 13 per cent of admissions to the national health system's acute care hospitals are for deliveries, post-partum care and pregnancy-related complications, which account for 25.7 per cent of total visits by women to acute care hospitals. Other causes of women's visits are, in descending order, problems of the circulatory system (11.8 per cent), digestive system (10.2 per cent) and respiratory system (8.9 per cent); tumours account for 8.8 per cent of women's hospital visits. For men, the most common cause of hospitalization is also circulatory system problems (16.9 per cent), followed by problems of the respiratory system (14.7 per cent) and digestive system (14.4 per cent); tumours account for 11.2 per cent of men's hospital visits. Mental disorders are a more common cause of hospitalization among men (2.4 per cent of total admissions) than women (1.9 per cent of total admissions).

54. Spanish hospitals are world-class in organ and tissue transplants, which are performed at centres accredited for this purpose. Organ donation requires the consent of the donor. Organ transplants are now a routine medical procedure and the surgeons who perform them are at the cutting-edge of technology. Advances in science have made it possible to treat more illnesses through transplants. In Spain, transplants are performed regularly but are limited by the number of available donors and organs. In the 25 years since the establishment of the National Transplant Organization (in 1989), the number of donors and organ transplants has tripled. To date, over 90,000 organ, 300,000 tissue and nearly 50,000 haemopoietic stem cell (bone marrow and umbilical cord blood) transplants have been performed, meaning that approximately half a million patients have benefited from the country's transplant network, or 1 per cent of the population. The Spanish model is an example of how, by pooling the efforts of citizens and health professionals throughout the donation and transplant process, the quality of life of thousands of people can be preserved or improved. The innovative management model adopted by the National Transplant Organization has made Spain a world leader in the area of donations and transplants. Figures from 2013 show a record high for the number of solid organ transplants: 4,279 transplants were made possible through the generosity of 1,655 donors. The donation rate was 35.1 donors per 1 million inhabitants. An increase in lung (+19.7 per cent) and pancreas (+10.8 per cent) transplants was particularly noteworthy. Overall, 2,552 kidney, 1,093 liver, 285 lung, 249 heart, 92 pancreas and 8 intestine transplants were performed. Living kidney donations rose by 5 per cent in 2013, totalling 382 donors, 41 of whom were part of the crossover kidney transplant programme. Living kidney transplants make up 15 per cent of the kidney transplants performed in Spain. In 2013, the level of donation after cardiac standstill remained stable, with a total of 159 donors. This type of donation accounts for 10 per cent of all donors and is handled at 21 hospitals. Donations subsequent to a traffic accident represented 4.4 per cent of the total (down from 6 per cent in 2012). There has been a marked rise in the number of bone marrow donors since the establishment of the National Bone Marrow Plan. As of 1 January 2014, there were 136,449 bone marrow

donors and a total of 58,851 umbilical blood cord units in public banks, which was very close to the goal of 60,000 set for 2015 under the National Cord Blood Plan. It is worth noting that donations and transplants contribute to strengthening the cohesion of Spanish society: 22.5 per cent of organ transplants take place in an autonomous region other than the donor's.

55. Health-care spending figures are publicly available on the Ministry of Health's website through its unit responsible for public health spending statistics[2] and its unit responsible for the health accounts system,[3] which records public and private health-care spending. According to the health accounts system, the figures for 2011, which were published in May 2013, show total health-care expenditure of €98,860 million (€72,217 million by the public sector and €26,643 by the private sector). Overall health spending grew at an average annual rate of 2.5 per cent over the 2007–2011 period. In 2011, public health spending fell by 3.4 per cent, while private spending rose by 2.5 per cent. Health-care spending in 2011 equalled 9.3 per cent of gross domestic product (GDP), situating Spain at the midpoint for the Organization for Economic Cooperation and Development (OECD) countries: the public sector funded 6.8 per cent of that spending and the private sector 2.5 per cent. Health spending per capita rose from €1,978 to €2,095 between 2007 and 2011, for an annual average increase of 1.4 per cent during the five-year period. Total health-care spending in 2011 can be broken down as follows: treatment and rehabilitation, 57 per cent (€56,316 million); medical goods for outpatients, 20.1 per cent; long-term care, 10.4 per cent (€10,328 million, with €6,753 million coming from public funds and €3,575 million from private funds); and ancillary services, 5.3 per cent. Between 2007 and 2011, spending increased in the following categories: treatment and rehabilitation, by 2 per cent; long-term care, by 1.1 per cent; and ancillary services, by 0.4 per cent. Expenditure on medical goods for outpatients fell by 1.2 per cent. In 2011, spending dropped in all categories except in ancillary services and in treatment and rehabilitation. The jump in spending on public health and prevention between 2008 and 2010 corresponds to the bulk purchase in late 2009, by the then Ministry of Health and Social Policy, of H1N1 flu vaccine in the amount of €333 million. Spending on long-term care can be broken down as follows: 65 per cent on hospital care (€6,709 million, of which €4,202 million in public funds and €2,507 million in private funds), 24 per cent on home care (€2,478 million, of which €1,784 million in public funds and €694 million in private funds) and 11 per cent on outpatient treatment (€1,141 million, of which €767 million in public funds and €374 million in private funds).

56. The financing of the health-care system was distributed as follows: 91.5 per cent by the regional governments; 6.5 per cent by the social security entities, including the government employee mutuals (MUFACE, ISFAS and MUGEJU); and 0.7 per cent by the central government. Since 2009, when the upward trend in health-care spending ended, public sector expenditure has dropped by 4.2 per cent as a result of the special measures taken as of May 2010 to reduce the budgetary deficit in response to the economic crisis. The sharpest drop in public health-care spending was in pharmaceuticals and other medical non-durables, which have seen an 8.9 per cent cutback since 2009. In 2011, the public sector overall spent less on health care than in 2010. The largest reduction, of 7.7 per cent, was made by the central government.

57. The legitimacy of any service provider, including the national health system, is based on user satisfaction; therefore, information on people's views of the system is key. Over 7 out of 10 adults approve of the public health system's operation, and this trend has been growing in recent years. Approximately 2 out of 10 respondents wanted to see reforms, which was fewer than in previous years. The number of respondents who expressed

[2] http://www.msssi.gob.es/estadEstudios/estadisticas/docs/EGSP2008/egspPrincipalesResultados.pdf.

[3] http://www.msssi.gob.es/estadEstudios/estadisticas/sisInfSanSNS/pdf/SCSprincipalesResultados.pdf.

discontent and wanted a complete overhaul of the system was similar to previous years, i.e., under 1 out of every 10 (4.2 per cent).

Education

58. The legislative framework that governs and guides the education system consists of the Constitution of 1978 and the following laws that give effect to the principles and rights contained therein:

- The Organic Act of 1985, on the right to education;
- The Organic Education Act of 3 May 2006;
- Act No. 5/2002 of 19 June 2002, on qualifications and professional training;
- Organic Act No. 8/2013 of 9 December 2013, on improving the quality of education and which amended the 2006 Education Act.

59. The Organic Education Act of 2006 establishes the structure and organization of the educational system except for universities. It echoes the principles and rights recognized by the Constitution and endorses new legislation on equitable, quality education for all. Emphasis is placed on inclusiveness, equal treatment and non-discrimination under any circumstances. Act No. 8/2013 strengthens elements relating to gender equality. Both Acts consider education as an essential service to the community, which must make schooling accessible to all, without any distinction whatsoever and under equal conditions, guarantee its regularity and continuity and progressively adapt it to social change. Education, as a public service, may be provided by the public authorities or by social initiative. The main objectives of the education system with regard to learning content are: to improve education and school performance; to achieve success for all in compulsory education; to increase enrolment in early childhood education; to increase the completion of baccalaureate programmes and vocational training; to provide civics and Constitution education as a cross-cutting subject in basic education in order to promote a free, tolerant and fair society that contributes to defending the values and principles of freedom, pluralism, human rights and the rule of law as the basis of democracy; to encourage lifelong learning; to strengthen the fairness of the education system; and to bring about convergence with European Union countries. The Education Act and Act No. 8/2013 establish that basic education consists of 10 years of schooling, to take place as a rule between the ages of 6 and 16. Basic education comprises primary education and compulsory secondary education. In addition, the law regulates early childhood education, post-compulsory secondary education, arts, sports and foreign language teaching and, within the framework of lifelong learning, adult education and distance learning. It also establishes a participatory approach to the organization and functioning of educational institutions, increasing their responsibilities and organizational autonomy. It furthermore regulates the authority of school boards and faculty. In addition, the Education Act encourages collaboration between school and family, promoting greater participation and responsibility on the part of students and parents. Act No. 8/2013 will foster the autonomy of schools, and educational authorities will evaluate their results and implement the necessary action plans in the following three specific areas to transform the education system: information and communications technologies, through the economically sustainable digitalization of schools; multilingualism, through the learning of a second and even third language; and the modernization of vocational training.

Higher education

60. The General Secretariat for Universities is the body that, within the Ministry of Education, Culture and Sports and under the direction of the department head, discharges all the responsibilities of the State with regard to universities. Pursuant to Royal Decree No. 257/2012 of 27 January 2012, on the basic structure of the Ministry of Education, Culture

and Sports, the Directorate General for University Policy is attached to the General Secretariat and its functions include the following:

- Organize university education and regulate access;
- Develop the European Higher Education Area and take steps to align university degrees;
- Define criteria for the accreditation of official university degrees and for the equivalence, recognition and certification of Spanish and foreign degrees;
- Ensure the administrative and financial management of the general scholarships and grants system and other forms of assistance;
- Promote the mobility of students and graduates within the European Union and abroad;
- Plan and manage programmes to organize, modernize and build the capacity of university management and infrastructure.

61. The National Research Review Commission, which is regulated under Royal Decree No. 1086/1989 of 28 August 1989 on the remuneration of university professors, and the National Agency for Quality Assessment and Accreditation work with the Ministry of Education, Culture and Sports through the Directorate General. In 2014, the General Secretariat launched a strategy to make Spanish universities more international, in keeping with its responsibility to guide and drive international relations regarding higher education. A fundamental tool for the General Secretariat is the Integrated University Information System, which monitors and assesses the Spanish university system on an ongoing basis.

62. Organic Act No. 4/2007 of 12 April 2007, amending the Universities Act (No. 6/2001) of 21 December 2001, introduces a series of reforms for promoting the autonomy of universities and increases their accountability. The changes are specifically aimed at improving the quality of Spanish universities and facilitating their incorporation into the European Higher Education Area, with Spanish academic research to be included in the European Research Area project. This move was driven by the European Union as it modernized its universities with a view to making them active players in transforming Europe into the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion. To achieve this goal, European universities must play a fundamental role and become the drivers of a new paradigm based on the knowledge society, and they must be competitive in the global context. This was proposed in a communiqué of the European Commission which asserted the need for mobilizing the brainpower of Europe and enabling universities to make their full contribution to the Lisbon Strategy (2005). Adapting to the European Higher Education Area includes verification and accreditation of official degrees by the National Agency for Quality Assessment and Accreditation and the regional agencies as well as a system for regional governments and the University Council to authorize new degrees.

63. In the 2013/14 academic year, the Spanish higher education system consisted of 82 universities (80 of which are teaching universities), 50 of them public and 32 private, including 6 distance-learning institutions. There is one university per 569,852 inhabitants. The General Conference on University Policy approved a total of 303,534 public university spaces for the 2013/14 academic year, almost the same number as the previous year. Some 244,789 spaces have been approved for on-site universities, 46 per cent of which are in the social and legal sciences, 20.2 per cent in engineering and architecture, 14.8 per cent in health sciences, 12.3 per cent in the arts and humanities and 6.7 per cent in the sciences. As can be seen, the distribution of spaces differs from the distribution of degrees, with more spaces in the social and legal sciences. Professors wishing to teach at a Spanish university

must have their teaching and research credentials evaluated in advance by the quality assessment agencies, which will decide whether they match up with the available positions. The evaluation ensures a minimum level for all contractual and tenured posts. In the 2012/13 academic year, there were 115,332 teaching and research staff. Although the distribution by gender and category remains similar to previous years, it should be noted that improvements are being made in terms of the number of women university professors. In the 2005/06 academic year, women represented 13.7 per cent of all university professors, while in 2010/11 they represented 20.3 per cent. The internationalization of university professors is another key component: 97.5 per cent of faculty are Spanish. Although the data are very similar across disciplines, there has been a slight increase in the number of foreign professors in the arts and humanities (4.5 per cent). Half of foreign professors come from the European Union, except in the arts and humanities, where they constitute 79 per cent of the faculty.

64. The European Higher Education Area, which was created pursuant to the Bologna Declaration of 1999, is aimed inter alia at the adoption of a flexible, understandable and comparable system of degrees that promotes employment opportunities for students and greater international competitiveness for the European higher education system. On 23 November 2007, the Council of the European Union expanded universities' role in the knowledge triangle within the framework of modernizing higher education to make Europe more competitive in a global knowledge economy. The contribution of the Spanish university system to the establishment of the European Higher Education Area and the European Research Area, and its full integration into them, involves transforming all aspects of its structure. This is an important crossroads in terms both of the system's own genesis and of its methodological design and objectives, and it offers an opportunity for renewal. To give new impetus to the Spanish university system, the University Strategy 2015 has been launched with an eye to sparking a much broader discussion on the role of universities in new social policies and in the new, knowledge-based sustainable production system, as well as discussion on rewriting the social contract between universities and society based on a voluntary decision to improve and modernize the country's universities.

65. In the 2012/13 academic year, 1,561,123 students were enrolled in undergraduate and master's degrees at Spanish universities: 1,046,570 of them were undergraduate students, 403,466 were first- and second-cycle students and 111,087 were master's students. Some 54.3 per cent of university students are women, although the percentage is slightly higher among graduates (57.6 per cent). Gender distribution remains much the same as in previous academic years, with a much higher proportion of men than women (73.9 per cent) in engineering and architecture. This distribution is reversed in the health sciences, a discipline in which women are much more highly represented than men (70.1 per cent). The proportion of women is also higher in master's programmes (54.1 per cent). Distribution by discipline is similar at the undergraduate level.

66. Once again, the number of Spanish university students taking part in the Erasmus student exchange programme rose in the 2012/13 academic year, reaching a total of 36,889. The number of students who travel to Spain under this programme is very similar to the number of Spanish students who go abroad; in other words, the country's capacity to send students under the programme is the same as its capacity to attract students from all over Europe. Some 36.2 per cent of Erasmus students are enrolled in the social sciences, business administration and law. The main destination country of Spanish students is Italy, which received 8,282 Spanish students in the 2011/12 academic year; it was followed by France (4,744), Germany (4,609) and the United Kingdom of Great Britain and Northern Ireland (4,170), with roughly half that many students each. Spanish universities are also admitting increasingly more foreign students: in the 2012/13 academic year, the number totalled 74,297, including 53,832 at the undergraduate and first- and second-cycle levels and 20,465 at the master's level. The annual growth rate of foreign undergraduate students

is stable at 3–3.5 per cent. The largest group of foreign master's students is from Latin America and the Caribbean (53.7 per cent). Students from Asia have shown a moderate increase, accounting for 8.4 per cent of undergraduate students and 13.5 per cent of master's students.

67. The net university enrolment rate among 18-to-24-year-olds is 28.6 per cent and it continues to trend upward as that age group gets smaller and more people in it register for university. Provisional data suggest that the overall number of students at the undergraduate and first- and second-cycle levels was 1,450,036 in the 2012/13 academic year, down by 0.5 per cent from the previous year. That number is expected to be 1,438,115 in 2013/14, for a slight reduction of 0.8 per cent directly attributable to the drop in the number of 18-to-24-year-olds. The rise in university students between the 2008/09 and 2011/12 academic years was in a way an exception in that it coincided with the country's economic crisis, with the alignment with the European Higher Education Area (supplementary classes to bridge the former degrees with the new undergraduate degrees) and with the launch of official master's degrees, all of which triggered an initial jump in the number of students before levelling off in 2012/13. The number of engineering and architecture students has decreased significantly, having fallen by 5.3 per cent in one year and by 23.3 per cent over 10 years. Similarly, enrolment in the sciences has fallen by 0.9 per cent in one year and 25.3 per cent over 10 years, while the number of students in the health sciences continues to rise, climbing by 11 per cent in one year and 88.6 per cent over 10 years. Comparing the breakdown of graduates by discipline over the past decade reveals that the share of social sciences and law graduates has grown by barely one percentage point, while that of engineering and architecture and of health sciences graduates has risen by two percentage points. By contrast, there are fewer graduates in the arts and humanities and the experimental sciences.

Culture

68. The Constitution of 1978 establishes the duty of the public authorities to promote and protect the entire population's access to culture and it safeguards cultural and linguistic plurality. It does not merely offer passive protection but also involves the public authorities in fostering society's cultural development based on the general interest and in ensuring that everyone has access to culture. Since the enactment of the Constitution, all levels of government have strived to set up cultural infrastructure, foster creativity and organize cultural activities and, in response, people have increasingly been taking advantage of those opportunities. The process was very intensive and required huge efforts, given the low starting point, and is considered to have been fully established in the mid-1990s.

69. During this period, considerable investment was made in what have been called flagship cultural institutions. Many of them, including the following museums, have positioned themselves on the world stage: the Reina Sofía National Museum Art Centre in Madrid, the Contemporary Art Museum of Barcelona, the Modern Art Institute of Valencia and the Bilbao Guggenheim. In addition, the State has purchased the Thyssen collection. These great centres, in addition to traditional ones such as the Prado Museum in Madrid, have been key drivers of tourism in their respective cities. The Guggenheim, in particular, sparked a complete renewal of Bilbao and is in itself an attraction that has put the city on the national and international cultural tourism map for the first time.

70. All levels of government allocate funding to the organization of cultural activities: the State, the autonomous regional governments and local governments, with local governments providing over half of the total amount spent. The only mandatory provision is that cities of more than 5,000 inhabitants must provide public libraries; however, they are by and large also very active in the organization of concerts, films and theatre productions. In very general terms, it could be said that the central government provides funding for

activities, while the local levels are more directly involved in organizing those activities in line with their size and resources. The harsh economic crisis of the past few years has considerably altered the situation and has entailed changes in how culture is financed. Ways are being explored to further increase participation by the private sector and civil society in the face of significant public spending cuts in most sectors, including culture.

71. Assessment and monitoring arrangements are well developed. For example, the Ministry of Education, Culture and Sports publishes a cultural statistics yearbook designed primarily to showcase the year's main cultural achievements as a means of promoting awareness of the situation and trends in Spain, the social value of culture and the role of culture as a creator of wealth and economic development for Spanish society. In addition, a survey of cultural customs and practices is conducted that looks at all forms of cultural participation. Furthermore, Spain is one of the few countries in the world to have a satellite account devoted to culture (this is a statistical operation separate from the national accounts used to measure the impact of culture on the Spanish economy overall). As a result, there is an abundance of available information. According to the 2013 cultural statistics yearbook, the cultural industry represents 2.7 per cent of GDP (3.5 per cent if intellectual property-related activities are factored in), which was 0.1 per cent lower than the previous year for both calculations. The largest contributor is the publishing sector, followed by radio and television and then cinema and audiovisual production. The people working in the cultural industry tend to have much higher than average academic qualifications. The industry accounts for 2.6 per cent of total jobs. As for cultural consumption, average spending dropped in 2012 to 2.6 per cent of overall spending on goods and services (down from 2.8 per cent in 2011 and 3.1 per cent in 2010), coming to a total of €288.70 per person.

72. Spain has very high calibre creators of international renown in all spheres of culture, including literature, cinema, music, theatre and dance. Distinguished professionals from other fields should also be counted as part of the country's cultural industry or, more broadly, its cultural and creative industries, namely in gastronomy, design and fashion, videogames and architecture. Culture is considered a strategic sector for the promotion of the "Spain brand" internationally. One of its greatest assets is without a doubt the Spanish language, which, with 500 million speakers, is the second most spoken language in the world after Mandarin; and it is growing at a faster pace than Mandarin. Two other factors can be added to the language's powerful demographics: its usability (as an international means of communication, it plays a leading role on the global stage and opens doors to international careers for those who study it) and its recognized cultural prestige (it is the gateway to an entire range of cultural production from Spanish-speaking countries in literature, art, cinema etc.). One of the most important flagship cultural institutions is the Cervantes Institute: established in 1991, it has venues in 44 countries and has the sole mission of spreading Spanish language and culture. Compared with other, much older European cultural institutes, it still has many avenues to pursue for future expansion.

73. The changes that new technologies are bringing to the consumption of cultural goods and to artistic creation should be noted. Almost 70 per cent of households have access to the Internet and that has proved to be a challenge for providers, ranging from the digitalization of collections (most museums and libraries have made their collections available to the public) to the sale or rental of cultural services (books and films). Pirating is a serious problem in Spain; the authorities and the representatives of copyright holders and creators are pooling their efforts to combat this phenomenon through such means as awareness-raising, advertising and other, more forceful measures. Another area of focus is expanding the availability of legal content on the Internet, for which the State Secretariat for Culture runs a helpline.

74. The Ministry of Education, Culture and Sports has adopted a strategic plan for the period 2012–2015 that is tailored to the new economic circumstances. Its five main goals

are: (a) formulate a government policy that safeguards the right to culture, supports the population and fosters social cohesion; (b) make the tools of cultural communication and cooperation among public authorities and other institutions more transparent in order to promote the effective and efficient use of cultural resources; (c) promote culture as a vital element of boosting the Spain brand abroad; (d) encourage civil society to take an active part in promoting culture; (e) facilitate creativity, innovation and the production of knowledge on the Internet, while protecting intellectual property rights.

75. In the past few years, emphasis has been placed on promoting cultural tourism to complement the mass beach tourism that has been a staple for over five decades, achieving excellent results. The basic elements (heritage sites, museums, various activities) are already in place, but efforts are being made to publicize them and develop different plans to arouse interest. One such plan is the Plan for the International Promotion of Cultural Tourism 2010–2012, whose main purpose is to publicize "cultural Spain" as a destination. The plan has various thrusts: museums, theatre, music and dance festivals; promotion of cultural thematic tours; and strengthening of linguistic tourism. One of the outcomes has been the creation of the online portal "Spain is Culture", which is maintained by the State Secretariat for Culture. Private sector services have also been enhanced and offer many options, such as the inclusion of heritage sites in tours and the combination of major natural attractions with food or wine tours. In 2013, over half of the foreign tourists who visited Spain engaged in cultural activities.

76. The country's heritage sites warrant particular mention. Spain has the world's second highest number of World Heritage Sites and the fourth highest number of expressions of intangible heritage recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO). One of the main challenges is to improve their management and integration in the knowledge society. Using digital technologies and, more importantly, making this heritage available on the Internet are the most economical and democratic ways of spreading culture. Considerable public funds have been allocated for this purpose in the past few years. Work is under way on many sectoral plans, such as the National Cathedrals Plan, the National Industrial Heritage Plan, the National Castles Plan and the National World Heritage Plan. A number of specific challenges are also being addressed, such as how to use key heritage sites as a tool to promote local identity and how to reconcile the intrinsic need to conserve and protect these sites with the extrinsic consideration of their economic value in terms of tourism, under general regional policies and under the National Comprehensive Tourism Plan 2012–2015.

77. Museums in Spain are run by the national government, by the autonomous regional governments or by local governments. They boast an excellent reputation and, in the past few years, special emphasis has been placed on digitalizing collections. On the website of the Ministry of Education, Culture and Sports, users can take a virtual tour of 13 national museums (the same can be done with most of the museums run by the regional governments) and peruse a consolidated catalogue of the museums' bibliographical holdings. The following museums each welcomed at least one million visitors in 2012: the Prado (3,170,000), the Reina Sofia National Museum Art Centre in Madrid (2,565,000), the Modern Art Institute of Valencia (1,337,000), the Thyssen Foundation (1,255,000), the Dali Theatre and Museum in Figueres (1,216,000) and the Guggenheim (1 million). All these institutions, except the Reina Sofia, saw an increase in visitors between 2011 and 2012.

78. Books — and the publishing sector in general — are the most vigorous component of the cultural industry in Spain, although they have not been immune to the crisis. This vigour stems from the combined effect of the introduction of e-books and the impact of the economic crisis on cultural consumption. This continues to be the sector that exports more than all the other sectors of the cultural industry combined and it is the only sector with a positive trade balance. The language advantage mentioned earlier comes into play here as

well, because there is a vast market of readers available without any additional costs. Moreover, a large number of Spanish authors enjoy considerable prestige, as do several Latin American authors who publish with Spain-based publishing houses.

79. There are 6,608 libraries in Spain, of which 5,500 are government-run and the rest are private, university-based or of other types. As indicated above, towns of more than 5,000 inhabitants are required to open a library. The network is extensive and efforts are being made to provide new services, such as the borrowing of e-books. Other services, such as the lending of audiovisual materials and other items, are often offered as well.

80. The performing arts are the focus of various policies to promote artistic creation. Current policies are targeted at boosting demand, which is of strategic importance at present, and implementing a new organization and management model that takes into account the country's structure and enhances collaboration and participation by cultural institutions. In addition, there are plans to improve arts education in school curricula, enter into agreements with universities and expand public-private partnerships. The newly established State Council for the Performing Arts sets the priorities for cultural policy in collaboration with the music, theatre, dance and circus communities. Among the innovative programmes being launched is Platea, which consists of a catalogue of 435 theatre, dance and circus performances that tour around Spain (the Ministry of Education, Culture and Sports makes up any shortfalls in ticket sales) within a programming structure that establishes networks in order to facilitate the touring of shows around the country. This policy not only stimulates the sector through support for professionals and artistic creators, but it also helps to sustain cultural activities in towns that have seen severe budget cuts.

81. The country's film industry is facing a dire situation as witnessed by steadily shrinking cinema audiences, attributable primarily to large-scale pirating; closing of cinemas; an overhauling of the industry that entails considerable investment, i.e. digitalization of cinemas and installation of 3-D equipment; a drop in public funding for Spanish productions (the Film Support Fund has undergone major cutbacks and the other funding sources, such as television networks, the regional governments and the private sector, are pulling back); and fewer film-related events, such as festivals and special screenings. At the same time, however, the cost of producing films has fallen thanks to new technologies; the Cinematography and Audiovisual Arts Institute of the Ministry of Education, Culture and Sports continues to provide funding, either from its own resources or through affordable lending arrangements; and a revised legal framework is under review and should enter into force shortly. New initiatives will include measures to capture resources from the private sector outside the specialized audiovisual industry. Despite this difficult state of affairs, creativity is on the rise: outstanding works are being produced, distinguished prizes are being won on international stages and many filmmakers in all genres have attained international recognition.

B. Constitutional, political and legal structure of the State

1. The Constitution of 1978

82. The Constitution of 1978 has been described as the "consensus" Constitution. It was drafted on the basis of negotiations and agreements among the various political parties represented in the Parliament. The Constitution of 1978, adopted by the Spanish people in a referendum on 6 December, entered into force on 29 December of that year. With a preamble, 169 articles grouped under 10 titles, and various transitional and additional provisions, the current Constitution is, after the Constitution of 1812, the most extensive in Spanish history.

83. Article 1 states that Spain is established as a social and democratic State, subject to the rule of law, which holds freedom, justice, equality and political pluralism to be the highest values of its legal system. It further stipulates that national sovereignty resides in the Spanish people, from whom all State powers emanate, and that the political form of the Spanish State is a parliamentary monarchy. The Constitution includes an extensive list of fundamental rights and public freedoms of all citizens and establishes the State of Autonomies. It also sets out the principle of separation of the powers of the State among the legislature, the executive and the judiciary.

84. *The Constitutional Court*. This Court is the supreme interpreter of the Constitution; it is independent of the other constitutional bodies and is subject only to the Constitution and to Organic Act No. 2/1979 of 3 October 1979, which contains its implementing regulations. The Court is composed of 12 members appointed by the King: 4 of them upon the proposal of the Congress of Deputies by a three-fifths majority, 4 upon the proposal of the Senate by the same majority, 2 upon the proposal of the Government and 2 upon the proposal of the General Council of the Judiciary. The appointment is for a period of nine years, and one third of the members of the Court are renewed every three years; members may not be re-elected. The Court's competences are divided into three main groups: monitoring the constitutionality of laws; settling jurisdictional conflicts that may arise between the State and the autonomous regional governments or among the autonomous regional governments themselves; and safeguarding the fundamental rights of citizens through the remedy of *amparo*, which is a form of protection against an alleged violation of those rights and is invoked when ordinary judicial remedies have been exhausted. Citizens, the Ombudsman and the Public Prosecutor are all entitled to file for a remedy of *amparo*.

Institutions

85. *The Crown*. The political system of Spain is a parliamentary monarchy. The King, as the head of State, symbolizes the unity and stability of the State, arbitrates and oversees the regular functioning of the institutions and is the highest representative of the Spanish State in international relations.

86. *The armed forces*. Made up of the Army, the Navy and the Air Force, the mission of the Spanish armed forces is to guarantee the sovereignty and independence of Spain and to defend its territorial integrity and the constitutional order. Part of the Ministry of Defence, the armed forces are the most important element of Spanish defence policy, which, under the responsibility of the Government, is aimed at guaranteeing the security and interests of Spain and its citizens, defending the rights and principles established in the Constitution of 1978 and the Charter of the United Nations (1945) and contributing, within the international legal order, to global peace and stability.

The legislative branch

87. *The Parliament*. The legislative power of the State is exercised by the Parliament, which represents the Spanish people and oversees government action. There are two chambers: the Congress of Deputies and the Senate. This bicameral parliamentary system is known as "imperfect bicameralism" since the competences of each chamber are not comparable: the Congress of Deputies takes primacy in exercising the majority of the parliamentary functions. Deputies and senators are elected for a term of four years. Early dissolution of the Parliament is possible on the initiative of the Prime Minister. The *Congress of Deputies* is composed of 350 deputies. All parliamentary and government bills, without exception, must first be considered by the Congress of Deputies. The Senate holds the right to veto or amend any text drawn up by the Congress of Deputies, which in turn reserves the right to take a final decision following a new reading. It is the Congress of Deputies that formally inaugurates the Prime Minister, and it is therefore the body that can

cause his or her dismissal, either by passing a motion of censure or by failing to grant the confidence requested by the Government. Under the Constitution, the Senate is the chamber of territorial representation. In the tenth legislative session, it is composed of 266 senators, 208 of whom are elected by direct universal ballot and 58 of whom are appointed by the regional legislatures, each of which elects one senator plus an additional senator for every million inhabitants in its territory.

The executive branch

88. *The Government*. The provisions of the Spanish Constitution concerning the functions of the Government do not substantially differ from what is common practice in other contemporary parliamentary systems. The Government exercises executive power and presents legislative proposals; it can draft emergency legislation (for ratification by the Congress of Deputies) and prepares the draft national budget. The Government directs domestic and foreign policy, civil and military administration and the defence of the State. The Government is formed in two distinct stages: in the first stage, the candidate to the office of prime minister (referred to in Spain as the President of the Government) submits his or her programme of government to the Congress of Deputies; in the second stage, the President of the Government, once he or she has been granted the confidence of the chamber and appointed by the King, proposes his or her ministerial nominations to the King. This, together with the fact that he or she leads all action by the Government, means that it is the President of the Government who is the main figure in the internal organization of the executive. The Spanish constitutional system can thus be considered a prime ministerial regime. The collegiate body of the executive is the Council of Ministers, comprising the President of the Government, the Vice-President or Vice-Presidents, and the ministers. The Council usually meets every week. The current Government is composed of the President, a Vice-President with ministerial portfolio and 12 ministers. There are two institutions that report directly to the Parliament; they are assigned specific tasks under the Constitution with respect to monitoring the public administration.

89. *The Court of Auditors*. Under article 136 of the Constitution, the Court of Auditors is the supreme body charged with auditing the accounts and financial management of the State and the public sector. As previously mentioned, the Court of Auditors is accountable to the Parliament, and any conflicts that may arise as to its competences or powers are resolved by the Constitutional Court. The Court of Auditors is governed by Organic Act No. 2/1982 of 12 May 1982. Its president is appointed from among its members by the King, on the proposal of the plenary, and has a three-year mandate. The plenary is composed of 12 counsellors and the Auditor General.

90. *The Ombudsman*. The institution of the ombudsman was established under the Constitution of 1978 as a high commissioner of the Parliament to guarantee the defence and protection of fundamental rights. Accordingly, his or her mission is to oversee the activity of all public authorities. The Ombudsman is elected by the Parliament, by a three-fifths majority of each chamber, for a period of five years, in accordance with the Ombudsman Act (No. 3/1981) of 6 April 1981. The institution of the ombudsman has also been introduced in many of the autonomous regions.

Government advisory bodies

91. *The Council of State*. This is the supreme advisory body of the Government; it is regulated by Organic Act No. 3/1980 of 22 April 1980. Its main function is consultative in nature, and its opinions are limited to the immediate subject of the consultation.

92. *The Economic and Social Council*. The Council is a high-level advisory body of the Government for socioeconomic matters and serves as well as a forum for social and economic partners. Its purpose is to promote the development of a social and democratic

State based on the rule of law. The Council has a president and 60 members: 20 councillors appointed by trade union organizations, 20 appointed by employer organizations and 20 representatives of civil society.

The judiciary

93. Under the Constitution, justice emanates from the people and is administered on the King's behalf by judges and magistrates of the judiciary. Unity of jurisdiction is an important feature, as justice is administered by a single body of judges and magistrates. The *General Council of the Judiciary* is the governing body for the country's judges and magistrates. It consists of the President of the Supreme Court, who presides over it, and 20 members who are appointed for a five-year period by the King on the proposal of three fifths of the Parliament. Twelve of its members must be judges or magistrates.

94. *The Supreme Court*. This is the highest court of the State for all matters except those involving constitutional guarantees, which fall to the Constitutional Court. Its president, who serves also as the President of the General Council of the Judiciary, is appointed by the King upon the proposal of the Council.

95. *Attorney General*. The Attorney General is appointed by the King upon the proposal of the Government, following consultations with the General Council of the Judiciary. The mission of the Attorney General's Office is to initiate — ex officio or at the request of the interested parties — judicial proceedings in defence of citizens' rights and the public interest as protected under the law. It is also the responsibility of the Office to protect the independence of the courts and to ensure that they are acting in the interests of society. The Attorney General may submit requests for a remedy of *amparo* to be granted.

Territorial organization of the State

96. The autonomous regions and cities with autonomous status. The Constitution of 1978 recognized and guaranteed the right to autonomy of the nationalities and regions that make up the Spanish nation as well as the solidarity among them. Those constitutional provisions led to a profound transformation in the territorial organization of the State with the creation of 17 autonomous regions (or "communities") and two autonomous cities (Ceuta and Melilla) and the consequent redistribution of political and administrative power between central and regional institutions. This has made Spain one of the most decentralized countries in Europe and has strengthened its cohesiveness and solidarity; it has also fostered the harmonious development of the political, social and cultural diversity that forms the history and heritage of Spain. In addition, it has brought the institutions closer to the people, has enhanced the quality of democracy and has contributed substantially to major economic, social and cultural progress in Spain. Each autonomous region has its own statute of autonomy, which is adopted through an organic act and provides the basic institutional framework for the region. The statutes govern such essential aspects as the organization and functioning of the regional parliament and government, the responsibilities assumed by the region, its administration, identity and such distinguishing features as language, civil law and relations with the State and with other autonomous regions. The division of responsibilities between the State and the autonomous regions is based on the recognition of exclusive competences of the State and of the autonomous regions, competences shared by the State and the autonomous regions and competences that are concurrent, i.e. in which both the State and the autonomous regions may be involved. The exclusive competences — both those of the State and those of the autonomous regions — include legislative power and implementation capacity. The shared competences may involve a different distribution of legislative and regulatory power between the central and regional governments, in which case implementation capacity is usually vested in the latter. Any jurisdictional conflicts are decided by the Constitutional Court, as in other politically

decentralized States. The autonomous regions have a parliamentary system of government, consisting of a parliament, a president of the region and an autonomous government. The regions enjoy significant independence in managing their economic and financial affairs and are empowered to adopt their own annual budgets and raise resources through taxes, surcharges and special fees.

97. In addition to the taxes levied by the regions and other tax revenue channelled to them, the regions receive funding through the Basic Public Services Guarantee Fund and the Fiscal Equalization Fund. In addition, the regions can draw on the Regional Convergence Funds, which are financed by the State with the objective of promoting regional economic balance and thus contributing to equality and equity. This combination of financing arrangements is intended to guarantee interterritorial solidarity and a shared level of threshold access to basic public services throughout the country. The resources provided to the autonomous regions through the financing system are complemented by various other funding sources, such as their own taxes, transfers from the general State budget and European Union funds. The structure of this financing system is a reflection of the level of development that the State of Autonomies has achieved in Spain, which is among the most decentralized countries in the Organization for Economic Cooperation and Development, including those with a tradition of federalism.

98. *Local government*. According to the latest official population figures, of 1 January 2013 (Royal Decree No. 1016/2013 of 20 December 2013), the 50 provinces and 8,117 municipalities of Spain display a very uneven distribution in terms of inhabitants. Nationwide, 4,897 municipalities (60.33 per cent of the total) have a population of less than 1,000 inhabitants and 6,798 (83.75 per cent) have fewer than 5,000 inhabitants. Only 146 municipalities (1.80 per cent of the total) have over 50,000 inhabitants. The municipalities are governed by municipal councils; the provinces by provincial councils, or similar representative bodies; and the islands by island councils. The municipal councils are made up of the mayor, who presides over the council, deputy mayors, a governing board and the plenary council. The plenary council is the full assembly of councillors, who are directly elected by the residents of the municipality through a proportional system based on open lists in municipalities of up to 250 inhabitants and on closed lists in municipalities of more than 250 inhabitants. The mayor is elected by an absolute majority of the councillors. If no majority is obtained, the councillor heading the list that received the most votes is proclaimed mayor; in municipalities with open lists, the councillor who has obtained the most popular votes in the election of councillors is proclaimed mayor. There is a special system for municipalities that operate under an open council regime, that is, those that have traditionally and voluntarily chosen to adopt this unique regime for government and administration and those that, with the approval of the regional government, have opted to do so in view of their geographic location or for the optimal management of municipal interests or other circumstances. Under the open council system, registered voters elect the mayor directly by majority vote in what is a genuine example of direct democracy. The right to vote and to stand for election in municipal elections is not limited to Spanish citizens but extends as well to citizens of any European Union member State residing in Spain, under the same conditions as Spaniards, and to resident aliens whose countries permit Spaniards to vote in their elections (or to stand for election, as applicable) under the terms of a treaty (article 13.2 of the Spanish Constitution and articles 176 and 177 of Organic Act No. 5/1985 of 19 June 1985 on the general electoral system). The provincial councils are elected by and from among the councillors of the province's municipal councils, and their basic task is to provide assistance and cooperation to the municipalities, especially those with weak economic and management capacity, and to guarantee the provision of services at levels mandated by law for the municipalities. The island councils of the Canary Islands and the Balearic Islands are those archipelagos' governmental and administrative bodies.

2. Justice system and data on crime

99. In 2012, a total of 221,063 convicted adults were listed in the Central Register of Convicted Offenders, based on final judgements handed down that year and communicated to the Register, marking a 0.2 per cent decrease over the previous year.

100. Of the total number of convicted offenders, 89.1 per cent were men and 10.9 per cent were women. The number of convicted persons for every 1,000 inhabitants (aged 18 or over) was 5.7, similar to the figure recorded in 2011.

101. Broken down by age group, the most offenders are found in the 41-to-50 age group for men (19.5 per cent of the total) and the 21-to-25 age group for women (17.8 per cent).

102. The average age of convicted persons was 35.7 years old (35.8 years for men and 34.7 years for women).

103. The majority of convicted offenders in 2012 were of Spanish nationality (74.2 per cent of the total, compared with 72.7 per cent the previous year). Of the convicted offenders who were foreign nationals, the majority were from the Americas (36.3 per cent).

104. Of the total number of offenders, 82.8 per cent were convicted of a single crime (83 per cent the previous year) and 17.2 per cent of more than one crime (17 per cent in 2011).

105. Among the persons convicted of a single crime (according to the legal definitions), the largest proportion were convicted of road traffic offences (41.5 per cent of the total), followed by those convicted of bodily harm (11.9 per cent) and robbery (9.5 per cent).

106. The autonomous region with the highest number of convicted persons in 2012 was Andalusia, accounting for 20.1 per cent of the total, followed by Catalonia (13.8 per cent) and the Madrid Autonomous Region (12.3 per cent).

107. The autonomous region with the most foreign convicted offenders was Catalonia (18.5 per cent of the total), followed by Madrid (16.8 per cent) and Andalusia (13.8 per cent).

108. The autonomous cities of Ceuta and Melilla reported the highest number of convictions per 1,000 inhabitants (38.82 and 20.94, respectively). By contrast, Castilla y León (4.42), Aragón (4.72) and the Basque Country (4.87) had the lowest rates.

109. The total number of recorded crimes increased by 0.4 per cent in 2012.

110. In 2012, the number of crimes recorded stood at 275,130, which was 0.4 per cent more than the previous year. The number of crimes per 1,000 inhabitants was 7.1, the same as the previous year.

111. By type, the crimes with the highest incidence were road traffic offences (38.7 per cent of the total), bodily harm (12.5 per cent) and robberies (10.7 per cent).

112. Nevertheless, it should be noted that there was a 7.7 per cent decrease in the number of road traffic offences compared with 2011.

113. The average number of crimes per convicted offender was 1.2, the same as in 2011. The average was higher among men (1.3) than among women (1.1), similar to the previous year (1.3 for men and 1.2 for women).

114. Of the total number of crimes committed, 94.6 per cent corresponded to offences actually committed and 5.4 per cent were attempted offences.

Fines, prison terms and disqualification from public office: the most frequent sentences

115. In 2012, a total of 557,793 punitive sentences were handed down and recorded in the Register; this was 1.2 per cent more than the previous year.

116. Some 54.3 per cent of the sentences handed down (both primary and additional penalties) were punishments restricting other rights: 25.9 per cent were custodial sentences, 19.4 per cent were fines and 0.4 per cent were expulsions from the country.

117. The most frequent punishment imposed among the penalties restricting other rights was special disqualification from public office (18.6 per cent of penalties). The most frequently imposed custodial sentence was imprisonment (25.5 per cent of the total).

118. For men, custodial sentences accounted for 25.6 per cent of the total penalties imposed, of which 25.2 per cent were prison sentences. Among women, custodial sentences were 29.4 per cent of the total, of which 28.9 per cent were prison sentences.

119. Broken down by the sex of the offender, penalties restricting other rights accounted for 54.8 per cent of the total penalties imposed on men and 49 per cent of those imposed on women.

120. With regard to the age of the offender, with the exception of those over 70 years old, the older the offender the less likely they were to receive a custodial sentence and the more likely they were to receive penalties restricting other rights.

121. With regard to the offender's nationality, custodial sentences were handed down more frequently to foreigners (28.5 per cent of the total) than to Spaniards (25 per cent). Prison sentences made up 28 per cent of the total for foreign offenders, compared with 24.7 per cent for Spaniards.

Statistics on minors

122. In 2012, there were 16,172 registered juvenile offenders (aged 14 to 17) according to final judgements handed down and communicated to the Register of Juvenile Criminal Sentences; that marked a 5.1 per cent decrease over the previous year.

123. The number of convicted minors aged between 14 and 17 per 1,000 inhabitants in the same age group was 9.3, compared with 9.7 the previous year.

124. A total of 82.5 per cent of juvenile offenders were male and 17.5 per cent were female. The number of convicted female minors increased by 5.6 per cent compared with the previous year. By age, the largest proportion of offenders were 17 years old (32.1 per cent of the total), followed by 16-year-olds (29.2 per cent).

125. The majority of juvenile offenders were of Spanish nationality (76.9 per cent). However, the proportion of foreign juvenile offenders increased to 23.1 per cent, compared to 20.9 per cent the previous year. With regard to the number of offences committed, two-thirds of juvenile offenders committed just one criminal offence and one third committed more than one.

Andalusia, the autonomous region with the most juvenile offenders

126. In 2012, Andalusia was the autonomous region with the highest number of juvenile offenders on the Register, with 22.5 per cent of the total, followed by Valencia (14.9 per cent) and Catalonia (10.2 per cent).

127. The same order applied for juvenile offenders of Spanish nationality. However, Catalonia had the highest number of foreign juvenile offenders, followed by the Valencia and Madrid regions.

128. Ceuta (45.6 per 1,000), Melilla (16.1 per 1,000) and the La Rioja region (15 per 1,000) recorded the highest numbers of juvenile offenders aged 14 to 17 for every 1,000 inhabitants in the same age group. Meanwhile, Catalonia (6.1), the Madrid region (6.2) and Aragón (7.7) recorded the lowest rates.

129. In 2012, a total of 28,022 criminal offences were committed by minors, 4.7 per cent less than the previous year. Of that number, 64.3 per cent were serious crimes and 35.7 per cent were lesser crimes. By type, the serious crimes with the highest incidence were robberies (41.3 per cent), bodily harm (13.4 per cent) and torture and offences against moral integrity (8.1 per cent). Among the lesser crimes, the most frequent were those against persons (63.6 per cent) and against property (32.8 per cent).

130. Male juvenile offenders were responsible for 83.3 per cent of criminal offences and female offenders for 16.7 per cent. Males committed 87.3 per cent of serious crimes and 71.1 per cent of lesser crimes. The number of offences committed rose with the offender's age: more than twice as many offences were committed by 17-year-olds (32.3 per cent of the total) than by 14-year-olds (15.5 per cent). Minors with Spanish nationality committed 76.5 per cent of offences while foreigners were responsible for 23.5 per cent (compared with 77.6 per cent and 22.4 per cent, respectively, the previous year).

131. The number of criminal offences per 1,000 inhabitants aged 14–17 stood at 16.2. Broken down by region, the highest numbers were recorded in Ceuta (68.6), La Rioja (44) and Melilla (92.2). By contrast, the lowest rates were in Madrid (9.6), Catalonia (11) and Galicia (14).

132. In 2012, judges ordered 25,393 measures, which marked an increase of 7.1 per cent over the previous year. The most frequently ordered measures were probation (37.7 per cent of the total), community service (19.3 per cent) and placement in semi-open institutions (12 per cent). The ordering of social rehabilitation measures increases with the offender's age (9.2 per cent of the total for 14-year-olds and 11.8 per cent for 17-year-olds) while probation decreases (42 per cent for 14-year-olds and 33.7 per cent for 17-year-olds). Generally speaking, placement in residential correctional institutions and in semi-open institutions is imposed more frequently on foreign juvenile offenders (1.9 per cent and 10.8 per cent). By contrast, community service is less frequent among foreign juvenile offenders (16.7 per cent of the total) than among Spanish juvenile offenders (20.1 per cent).

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights standards

133. Spain is a State party to the main human rights treaties. It has accepted extensive obligations for the protection of human rights and acknowledges the authority of the international monitoring bodies. The European Court of Human Rights is especially important for Spain, as it monitors compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. Spain has ratified the following multilateral human rights agreements:

134. Within the sphere of the United Nations:

- Convention on the Prevention and Punishment of the Crime of Genocide;
- Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees;
- Convention on the Political Rights of Women;

- Convention relating to the Status of Stateless Persons;
- International Covenant on Civil and Political Rights and its Optional Protocols;
- International Covenant on Economic, Social and Cultural Rights and its Optional Protocol;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain has made the declaration provided for under article 22, recognizing the competence of the Committee against Torture to consider communications from individuals who claim to be victims of a violation of the Convention) and its Optional Protocol;
- Convention on the Rights of the Child and its three Optional Protocols (on the sale of children, child prostitution and child pornography; on the involvement of children in armed conflict; and on a communications procedure);
- Rome Statute of the International Criminal Court and Agreement on the Privileges and Immunities of the International Criminal Court;
- Convention against Transnational Organized Crime and the Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Sea and Air;
- International Convention for the Protection of All Persons from Enforced Disappearance;
- Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- Convention on Cluster Munitions;
- Convention on Supervision of International Trade in Arms and Ammunition and in Implements of War;

135. With the sphere of the Council of Europe:

- European Convention for the Protection of Human Rights and Fundamental Freedoms;
- Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (Council of Europe Treaty No. 46);
- Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty;
- Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe Treaty No. 117);
- Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the general prohibition of discrimination;
- Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances;

- Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention;
- Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine;
- Framework Convention for the Protection of National Minorities;
- European Social Charter (Spain is currently in the process of ratifying the revised European Social Charter);
- Council of Europe Convention on Action against Trafficking in Human Beings;
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- Council of Europe Convention on preventing and combating violence against women and domestic violence;

B. Legal framework for the protection of human rights at the national level

136. The general framework in Spain for the protection of human rights is set out in the Constitution of 1978, primarily in title I, section 1, chapter II ("Fundamental rights and duties"). Article 53 of the Constitution establishes the system of guarantees for these rights, which is arranged as follows:

(a) *Legislative guarantees*. The exercise of these rights may only be regulated by law, "which shall, in all cases, respect their essential content". The law setting out the fundamental rights and public freedoms must be an organic act that may only be adopted, amended or repealed through a majority final vote of the Congress on the bill as a whole (art. 81, paras. 1 and 2). The Constitutional Court ensures the effectiveness of this guarantee by means of constitutional challenges to laws and statutory provisions (art. 161, para. 1 (a)), which may be filed by the President of the Government, the Ombudsman, 50 deputies, 50 senators, the executive collegiate bodies of the autonomous regional governments and, when appropriate, their assemblies (art. 162, para. 1 (a)). The prior authorization of the Parliament is required in order for the State to undertake obligations through treaties or agreements that affect the fundamental rights and duties set out in title I (art. 94, para. 1 (c)) of the Constitution. Article 95 of the Constitution provides for the possibility of the Government or either chamber of the Parliament (the Congress of Deputies or the Senate) making a request to the Constitutional Court when an international treaty containing provisions that are contrary to the Convention is being concluded. Such a request may give rise to a declaration of the constitutionality of the international treaty in accordance with the provisions of title VI, article 78, of the Constitutional Court Act (No. 2/1979) of 2 October 1979;

(b) *Judicial protection through the ordinary* amparo *procedure*. Any citizen may seek protection from the ordinary courts for the freedoms and rights recognized in article 14 and section I of chapter II.

137. Act No. 62/1978 of 26 December 1978, on the legal protection of the fundamental rights of the individual, initially set out the procedure for such protection. Although that law predated the Constitution, paragraph 2 of the second transitional provision of the Constitutional Court Act established that the Act would remain in force until such time as the provisions of article 53, paragraph 2, of the Constitution were implemented. The foregoing notwithstanding, Spanish procedural law has been establishing special

procedures for the protection of fundamental rights in each of the courts (civil, criminal, administrative, labour), creating a presumption that the Act has been repealed, either through the amendment of existing laws, as is the case with the Criminal Procedure Act, or through the enactment of new laws, such as the Labour Procedure Act (Royal Decree-Law No. 2/1995 of 7 April 1995), the Administrative Dispute Regulation Act (No. 29/1998) of 13 July 1998 and the Civil Procedure Act (No. 1/2000) of 7 January 2000.

138. The second transitional provision of the Constitutional Court Act extends the protection provided under the Legal Protection Act to all rights included in article 53, paragraph 2, of the Constitution. Article 7, paragraph 1, of the Judiciary Act (No. 6/1985) of 1 July 1985 provides that all of the rights and freedoms recognized in title I, chapter II, of the Constitution create an obligation for all judges and courts to uphold them and guarantee their effective protection. In this respect, article 5, paragraph 4, of the Act provides that "a breach of the Constitution shall constitute sufficient grounds for cassation proceedings in all cases provided for by law".

139. Once they have exhausted all judicial remedies, citizens may file an *amparo* appeal to the Constitutional Court (art. 53, para. 2, of the Constitution). The remedy of *amparo* before the Constitutional Court is regulated by articles 161, paragraph 1 (b), and 162, paragraph 1 (b), of the Constitution and articles 41 to 58 of the Constitutional Court Act, which provides (art. 41, para. 1) that the rights and freedoms recognized in articles 14 to 29 of the Constitution may be protected by the constitutional remedy of *amparo* in the cases and manner established in the Act, without prejudice to the general protection provided by the courts of law. Such protection applies also to conscientious objection, which is recognized under article 30 of the Constitution. Before an *amparo* application can be made to the Constitutional Court, all judicial remedies must first have been exhausted (Constitutional Court rulings 73/1982, 29/1983 and 30/1984 and others). In this connection, article 241 of the Judiciary Act was amended through Act No. 6/2007 of 24 May 2007 with regard to the requirement on requesting an annulment of proceedings before the ordinary courts prior to applying for the constitutional remedy of *amparo* in alleged breaches of the fundamental rights referred to in article 53, paragraph 2, of the Constitution, in cases where it was not possible to lodge a complaint prior to the decision putting an end to the process.

140. An application for *amparo* may be filed by any of the persons directly affected by the provision or administrative act or by any party to the respective court proceedings as well as by the Ombudsman and the Public Prosecution Service, which is always a party to *amparo* proceedings (art. 46, paras. 1 (a) and (b), and art. 47, para. 2, of the Constitutional Court Act). Under article 54 of the Constitution, the Ombudsman is defined as the "High Commissioner of the Parliament, appointed by the Parliament to defend the rights protected under title I of the Constitution, for which purpose he or she may supervise the activities of the Government and report to the Parliament". In addition to overseeing the activities of the Government, the Ombudsman, as the defender of the rights of individuals, is authorized to lodge *amparo* appeals in respect of such rights (art. 162 of the Constitution and art. 46 of the Constitutional Court Act). The Ombudsman's mandate includes coordination with counterpart institutions in the autonomous regions (*síndic de greuges* in Catalonia, Valencia and the Balearic Islands; ombudsman in Andalusia, Castilla la Mancha and Navarra; *ararteko* in the Basque Country; *valedor do pobo* in Galicia; *diputado del común* in the Canary Islands; *justicia mayor* in Aragón and *procurador del común* in Castilla y León). This institution is proving highly effective in protecting human rights, as demonstrated by the high number of complaints it handles.

141. In the Spanish legal system, the Office of the Public Prosecutor is responsible for upholding the law pursuant to article 124 of the Constitution, which provides that the Office has "the task of ensuring that justice is served in defending the rule of law, citizens' rights and the public interest, as protected under the law, whether ex officio or at the request of

the interested parties, as well as protecting the independence of the courts and ensuring that they act in the interests of society". It discharges its duties through its own organizational units in accordance with the principles of unity of action and structured reporting lines, subject at all times to the principles of legality and impartiality. These powers are described in detail in the Office's by-laws (adopted through Act No. 50/1981 of 30 December 1981, and amended most recently through Act No. 24/2007 of 9 October 2007), article 3 of which provides that the Office must:

- Ensure respect for the institutions established under the Constitution and for fundamental rights and public freedoms by any such means as may be necessary for their protection (para. 3);
- Participate in *amparo* proceedings and challenges to constitutionality in the cases and in the manner provided for in the Constitutional Court Act (para. 11);
- File applications for *amparo* and take part in proceedings before the Constitutional Court in order to uphold the law, in the manner provided for by law (para. 12) (This role is in accordance with article 46 of the Constitutional Court Act (No. 2/1979) of 3 October 1979 and the list of persons entitled to file an application for *amparo* in the cases specifically mentioned in arts. 42 to 45 of the Act).

142. *Parliamentary committees*. The Regulations of the Congress of Deputies of 10 February 1982 (arts. 40 to 53) govern the competence of the Standing Constitutional Committee and the Standing Petitions Committee and authorize the latter to consider individual or collective complaints submitted to the Congress of Deputies and to decide whether to refer them to (a) the Ombudsman, (b) the Congress of Deputies committee responsible for the matter or (c) the Senate, the Government, the courts, the Office of the Public Prosecutor or any other relevant public authority. The Regulations of the Senate of 26 May 1982 also provide for committees on the promotion and protection of human rights (arts. 49 to 68).

143. Respect for human rights is further ensured in Spain by article 10, paragraph 2, of the Constitution, which provides that "principles relating to the fundamental rights and freedoms recognized under the Constitution shall be interpreted in accordance with the Universal Declaration of Human Rights and the international human rights treaties and agreements ratified by Spain".

144. Because of the importance of the remedy of *amparo* and its extraordinary usefulness in the protection of fundamental rights, the country's courts became faced with a situation in which excessive recourse to this remedy was being sought. The increase in the number of applications for *amparo*, many of them lacking in substance, was threatening to paralyse or at least delay the work of the Constitutional Court. In order to address this situation, Organic Act No. 6/1988 of 9 June 1988 was adopted, amending article 50 of the Constitutional Court Act to provide for the rejection of *amparo* applications that lacked real substance by a unanimous decision of a panel composed of three judges. Despite this reform, the number of *amparo* applications has continued to rise, reaching 10,410 cases in 2008, which represents an annual increase of 22 per cent.

145. This system for the protection of civil and political rights is complemented by a guarantee at the international level deriving from the ratification by Spain of international agreements and their protocols for the protection of these rights.

146. The State's main body in the sphere of foreign policy for the promotion and protection of human rights is the Human Rights Office of the Directorate General for the United Nations and Human Rights under the Ministry of Foreign Affairs and Cooperation. This Office was established in 1983 and has the following functions:

- Provide advice on human rights-related matters;

- Prepare reports on international respect for human rights;
- Promote greater coordination on human rights matters between the various executive bodies of the Ministry of Foreign Affairs and Cooperation;
- Organize the participation of Spain in international meetings and conferences on human rights;
- Liaise with counterpart government offices and non-governmental organizations on human rights;
- Monitor compliance with international human rights treaties and agreements signed by Spain;
- Promote research and activities in its specific areas of competence.

C. Framework for the promotion of human rights at the national level

147. In 2012, the Government of Spain carried out an evaluation of the first Human Rights Plan. The final evaluation was submitted to the Parliament on 28 December 2012. Since then, the Government has been collecting information on the human rights situation in Spain and has implemented a number of specific plans and measures that are having a considerable impact in this area, bearing in mind the serious repercussions of the economic crisis, which has been the focus of the Government's efforts since the beginning of the current legislature.

148. During this period, various sectoral plans have been adopted, drafted or implemented, including the National Strategic Plan for Children and Adolescents, the Strategic Plan for Equal Opportunities, the National Strategy for the Inclusion of the Gypsy Population, the Spanish Disability Strategy, the Master Plan for Spanish Cooperation, the Programme of Home Care for Victims of Terrorism, the Plan on Business and Human Rights, the National Action Plan for Inclusion and the Corporate Social Responsibility Plan. Additional specific measures and priority attention will be introduced for targeted groups, such as families, young people and older persons, especially those living in poverty and situations of social exclusion.

149. Through these sectoral plans and the gathering of information on the human rights situation in Spain, the Government is working to define a strategy and specific objectives in the area of human rights for the coming years.

D. Report preparation process

150. Reports are prepared in accordance with the general United Nations guidelines on the form and content of reports to be submitted by States parties.

151. The preparation of reports involves a significant collective effort by various public and private institutions and social groups. Many ministries participated in the preparation of this report, including the Ministry of Employment and Social Security, the Ministry of Health, Social Services and Equality, the Ministry of Education, Culture and Sport, the Ministry of Agriculture, Food and the Environment, the Ministry of Development, the Ministry of Internal Affairs and the Ministry of Justice, under the coordination of the Human Rights Office of the Ministry of Foreign Affairs and Cooperation, which is tasked, inter alia, with monitoring compliance with the international human rights treaties and agreements signed by Spain.

E. Other information on human rights

152. The protection and promotion of human rights and their integration everywhere in the United Nations community are of utmost importance to Spain. As a result, its foreign policy on human rights revolves around the following six priorities: opposition to the death penalty, non-discrimination on the basis of gender or sexual orientation, the human right to drinking water and sanitation, the rights of persons with disabilities, business and human rights, and human rights defenders.

153. Spain was a member of the Human Rights Council in the period 2011–2013 and has submitted its candidacy for the period 2018–2020.

1. Opposition to the death penalty

154. As a priority of Spanish foreign policy on human rights, opposition to the death penalty is expressed through such actions as supporting a resolution calling for a global moratorium on the use of the death penalty, which is put to a vote in the United Nations General Assembly every two years; stimulating debate on the death penalty within the Human Rights Council; and supporting the International Commission against the Death Penalty (ICDP) – an organization established at the initiative of Spain, composed of persons of recognized high standing who act in their individual capacity and whose added value is that it serves as a forum for international dialogue in favour of abolition. Spain supports ICDP financially and politically through its membership in the ICDP Support Group. Moreover, Spain maintains an active dialogue on the issue within the European Union and raises it in the course of its bilateral relations through its embassies in the field and its European partners. The priority given to this issue is reflected in the support provided by Spain for the Fifth World Congress against the Death Penalty, which was organized in Madrid in June 2013 by civil society organizations but with financial and political backing from Spain, among other country co-sponsors. Spain is a member of the contact group responsible for following up on the results of the Fifth World Congress and for providing continuing support for the organization of future congresses, which are held every three years.

2. Non-discrimination on the basis of gender or sexual orientation

155. Spain upholds the principle of non-discrimination on the basis of gender or sexual orientation. In keeping with this principle, it places particular emphasis on efforts to prevent violence towards women, which is considered to be the most extreme form of sexual discrimination. Many initiatives have been carried out in relation to this issue, some of which include:

- *Measures to combat gender-based violence and feminicide*. Support for and publication of Guidelines for the Effective Investigation of the Offence of Feminicide, which was designed by a team of forensic pathologists and representatives of King Charles III University and the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos; and the organization of seminars on gender violence and feminicide in Latin America, as part of the Ibero-American Specialist Technical Training Programme of the Spanish Agency for International Development Cooperation, which are conducted jointly with the Foundation of the General Council of Spanish Lawyers. These seminars, the fourth edition of which took place in Cartagena de Indias, Colombia, in November 2014, are directed towards forensic scientists, anthropologists, police officers and gender experts in Ibero-American countries. The objective of the seminars is to encourage the adoption of measures in the region, in governmental, non-governmental and

intergovernmental spheres, that will help to remove legal and procedural obstacles to women's access to effective judicial remedies and means of protection;

- *The women, peace and security agenda*. United Nations Security Council resolution 1325 (2000), which was adopted unanimously on 31 October 2000, is the definitive political framework for incorporating a gender perspective in the prevention, management and resolution of armed conflicts. In accordance with the principles set forth in that resolution, Spain has undertaken a variety of actions, including the following: (1) the adoption of the Spanish Government's Action Plan for Implementing United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security, follow-up reports on which are submitted periodically; (2) the organization of courses on gender mainstreaming in peacekeeping operations, based on a joint Spanish and Dutch initiative[4] to conduct two courses a year on Security Council resolution 1325 (2000). Since 2011, six courses (at the rate of two a year) have been given on this topic – one in Spain (at the Spanish Centre for National Defence Studies)[5] and one in the Netherlands. These courses have become a standard in their field; they have been accredited by the European Security and Defence College, and ad hoc editions of the courses have been organized in cooperation with the United States Africa Command; and (3) the active participation by Spain in the Global Summit to End Sexual Violence in Conflict, which was held from 10 to 14 June 2014 in London;

- *Trafficking in persons for purposes of sexual exploitation*. The Human Rights Office participates in numerous initiatives to combat this problem by means of awareness-raising (seminars, round tables, dialogue with NGOs and promotion of European Union Anti-Trafficking Day on 18 October, among others), training (seminars for government staff stationed abroad) and intervention (direct coordination with the General Directorate of Spaniards Abroad and Consular and Migration Affairs in specific cases of trafficking for the purposes of sexual exploitation);

- *Female genital mutilation*. Efforts to end this violation of women's human rights are carried out through various programmes conducted by the Spanish Agency for International Development Cooperation in several countries, such as Guinea-Bissau, Mali and Senegal, in collaboration with international organizations, including the United Nations Population Fund and the New Partnership for Africa's Development of the African Union;

- *Forced marriages*. The Human Rights Office coordinated an exhibition in Spain of a series of photographs denouncing this practice. The exhibition, which was designed by the United Nations Fund for Population Activities, has already been shown in New York, Scandinavia, Geneva, Lisbon and, in September 2014, Madrid.

156. As part of efforts to combat discrimination on any grounds, as explained previously, Spanish foreign policy on human rights also includes a component on combating discrimination on the grounds of sexual orientation. In this connection, Spain took an active part in helping to develop the Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex Persons, which were adopted by the Council of the European Union in June 2013. Spain places special emphasis on this issue in the context of the universal periodic review process, prompting questions and recommendations in respect of those countries where violations of human rights related to lesbian, gay, bisexual, transgender and intersex persons have been reported. In addition,

[4] These seminars are organized by the Defence and Foreign Affairs and Cooperation Ministries of the Netherlands and Spain.

[5] CESEDEN.

both political and financial support is provided to civil society in its efforts to combat discrimination on grounds of sexual orientation.

3. The human right to safe drinking water and sanitation

157. The recognition of the human right to drinking water and sanitation has become a priority of Spanish foreign policy on human rights. This international initiative, sponsored by Germany and Spain in 2006, has resulted in the adoption of successive annual resolutions on this human right by the Human Rights Council and the United Nations General Assembly. The most recent resolution, which was adopted by consensus in December 2013 by the General Assembly, has expressly recognized it as a human right. In the future, the human right to drinking water and sanitation must be enunciated properly, placing emphasis on its critical content. Spain has consistently supported the mandate of the United Nations Special Rapporteur on the human right to safe drinking water and sanitation, and will continue to do so. The Spanish Agency for International Development Cooperation has established a cooperation fund for water and sanitation for Latin America and the Caribbean, which, to date, has made disbursements totalling more than €800 million.

158. The highly developed public and private management of water and sanitation in Spain and the country's experience in the management of water resources in drought conditions make it particularly well placed to support other countries in the following areas:

- Evaluation of existing policies, programmes and activities in the field of water and sanitation, with due account taken of wastewater management, especially in terms of its treatment and reuse; overseeing the resources allocated to the expansion of proper access; identifying stakeholders and assessing their role;
- Preparation of comprehensive plans and strategies in which the responsibilities of all actors in the water and sanitation sector are defined, with a view to progressively achieving the full realization of the human right to drinking water and sanitation for all; and the review and updating of these plans and strategies, where necessary, in order to ensure their compatibility with human rights principles and standards.

4. The rights of persons with disabilities

159. In the area of disability, Spain considers it essential to promote the Convention on the Rights of Persons with Disabilities and its Optional Protocol in view of the fact that they take a rights-based approach to dealing with persons with disabilities, in contrast to the traditional way of viewing them as mere beneficiaries of health policies.

160. One of the major challenges in the disability sphere is the inclusion of persons with disabilities in the development process. A high-level meeting of the General Assembly on disability and development was held at the United Nations in New York on 23 September 2013 with the aim of drawing attention to the need for such inclusion, with emphasis on discussions under way on the post-2015 development agenda. Spain and the Philippines served as co-facilitators for the outcome document of the high-level meeting, which reaffirms the commitment of the international community in this regard.

5. Business and human rights

161. Spain firmly supports the Guiding Principles on Business and Human Rights, as well as the various mechanisms and actions associated with them, such as the Working Group, the Annual Forum on Business and Human Rights and national implementation plans. Along the same lines, Spain supports the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises, the principles of the United Nations Global Compact and the activities of the International Labour Organization in the field of corporate social responsibility.

162. In accordance with the European Union Strategic Framework and Action Plan on Human Rights and Democracy, Spain began, in late 2012, to develop a national plan for the implementation of the United Nations Guiding Principles on Business and Human Rights. Broad consultations were held with public authorities, enterprises and civil society organizations, which resulted in general agreement, and the adoption of the plan is expected in the near future.

6. Human rights defenders

163. As a member of the European Union, Spain is promoting the implementation of the European Union Guidelines on Human Rights Defenders, which were adopted in 2004 and updated in 2008. During its term as rotating president of the European Union, Spain provided major impetus to the implementation of the Guidelines, calling for the organization of an annual meeting between defenders and diplomats, formulating and updating local strategies for the promotion and protection of the activities of human rights defenders and the designation of a European Union focal point for defenders in non-member countries.

164. Spain strongly supported the elaboration of the Organization for Security and Cooperation in Europe Guidelines on the Protection of Human Rights Defenders, which were published in 2014. In keeping with its firm support for the promotion and protection of the activities of such persons, the Ministry of Foreign Affairs and Cooperation initiated a protection programme for at-risk human rights defenders that, to date, has provided temporary assistance to some 200 persons, in cooperation with other protection programmes for human rights defenders, including the Spanish section of Amnesty International, the Government of the Principality of Asturias, the Victims and Human Rights Directorate of the Basque Government and the Human Rights Directorate of the Government of Catalonia – the latter having been dissolved in 2012.

III. Information on equality and non-discrimination

A. Non-discrimination

165. Funds from the general State budget are used to subsidize the activities of NGOs dedicated to serving the needs of the immigrant population, as well as the activities of immigrant associations, in the following areas: general immigrant reception, extracurricular education, health, women's affairs, voluntary repatriation, awareness-raising, employment and programmes to improve the structure and organization of the NGOs themselves. In 2013, with support provided by the European Union Solidarity Fund and the European Social Fund, a total of €64 million was spent on NGO programmes.

166. The Forum for the Social Integration of Immigrants provides information and advisory services to the Government in the area of immigrant integration. It formulates proposals and gathers information with a view to promoting such integration, prepares mandatory reports on central government legislation and projects relating to immigrant integration, prior to their adoption, and produces an annual report on immigrants' social integration. The Forum is a tripartite body whose members — government (central, regional and local), organizations that support immigrants (including employer organizations and trade unions) and immigrant associations — participate on an equal footing.

167. Generally speaking, the national police forces give effect to plans developed by the State Secretariat for Security, such as the Master Plan for Tolerance and Improved Safety in Schools and Surrounding Areas, the "Better Security" Plan and the Plan to Stop Violent

Youth Gangs. As far as new developments are concerned, mention should be made of the 2013–2016 National Police Force Strategic Plan, which promotes comprehensive action in respect of vulnerable groups to ensure victim protection, greater efficiency in investigating criminal offences, the safety of minors — especially in the school environment and in relation to social media — and the prevention of violence against persons with disabilities and minority groups who are at risk of social exclusion. As part of prevention efforts, an early warning system is used to detect these forms of discrimination and, if necessary, to provide an appropriate response. Such preventive efforts extend to social media and virtual communities and forums, and are aimed at detecting criminal behaviour, risks or potential threats. In order to avoid discriminatory measures against persons from religious minorities or persons at risk of social exclusion, there are plans to establish jointly managed multidisciplinary teams in order to institute a standardized assistance model and provide a comprehensive response.

B. Efforts to combat racism and xenophobia

168. The main agencies entrusted with furthering an integrated public policy in this area are the following: the State Secretariat for Social Services and Equality, which reports to the Ministry of Health, Social Services and Equality; the General Secretariat for Immigration and Emigration, which reports to the Ministry of Employment and Social Security through the Spanish Monitoring Centre for Racism and Xenophobia; and the State Secretariat for Security, which reports to the Ministry of Internal Affairs. Through the activities of the national law enforcement agencies, the State Secretariat for Security works to prevent criminal and administrative offences in the field of sports and orders punishment as applicable. Since 2012, it has been gathering and publishing data on racist and xenophobic incidents at the criminal and administrative levels. The State Secretariat for Social Services and Equality is in charge of coordinating the central government's policy on the prevention and elimination of all forms of discrimination against individuals on the grounds of sex, racial or ethnic origin, religion or ideology, sexual orientation or identity, age, disability, or any other personal or social condition or circumstance, as well as developing policies for cooperation with the regional and local governments. These functions are carried out by the Directorate General for Equal Opportunity.

169. The Directorate General for Equal Opportunity is responsible for the promotion and cross-cutting implementation of the principle of equal treatment and non-discrimination; and the design, planning and coordination of activities and measures aimed at promoting equal treatment and non-discrimination within the central government, including joint efforts in this area with the regional governments and other public and private entities. It is also responsible for the preparation of reports and studies and the analysis of statistics in areas affecting equal treatment and non-discrimination, as well as the dissemination and exchange of such information with other ministry departments and public or private entities at the international, national, regional or local level. It organizes campaigns and activities in the areas of public awareness-raising, information, training and participation, and any others deemed necessary for the promotion of equal treatment and non-discrimination. Pursuant to Royal Decree No. 200/2012, article 4, paragraph 6, the Council for the Promotion of the Equal Treatment of All Persons without Discrimination on Grounds of Racial or Ethnic Origin was attached to the above-mentioned Directorate. The Council, which is governed by Royal Decree No. 1262/2007 of 21 September, has as its mission to promote the principle of equal treatment and non-discrimination on the grounds of racial or ethnic origin with regard to education, health care, social benefits and services, housing and employment, and, in general, with regard to the provision of and access to all goods and services. In order to fulfil this mission, the Council, which carries out its functions independently, has been assigned to provide assistance to victims of discrimination,

produce studies and reports and issue recommendations. Among the activities it has carried out since its inception in 2010 are the following:

- The establishment of the Service for Assistance to Victims of Discrimination;
- A study on the perception of racial or ethnic discrimination by the potential victims of such discrimination;
- A study on the situation of racial and ethnic discrimination in Spain.

170. The Spanish Monitoring Centre for Racism and Xenophobia is attached to the General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security. Its objectives include: following the establishment of an information network, to gather and analyse information on racism and xenophobia in order to take stock of the existing situation and identify future trends; to promote the principle of equal treatment and non-discrimination; to combat racism and xenophobia; and to cooperate with various national and international public and private actors involved in preventing and combating racism and xenophobia. In discharging its functions, the Monitoring Centre has:

(a) Coordinated the preparation of the Comprehensive Strategy to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was drafted in consultation with civil society, specialists from various ministerial departments and external experts, and was approved by a decision of the Council of Ministers on 4 November 2011. On the basis of an assessment of the situation, it sets out 41 objectives and 129 measures in various areas. The text of the strategy is available on the Internet in Spanish and English;

(b) Compiled information on the situation of racism and xenophobia in Spain in order to provide an accurate picture of this phenomenon and, beginning in 2008, it has published an annual report on racism and xenophobia and related intolerance in Spain. Between 2011 and 2012, in cooperation with the Ministry of Internal Affairs, the Training to Identify and Record Racist Incidents Project was implemented for the specific purpose of training members of the national police forces in this subject at the national, regional and local levels, and for them to disseminate this training in order to raise awareness among all staff of the national police forces. To date, training has been provided to more than 15,000 officers and 165 trainers. The main teaching material developed for training the police forces was the handbook for training Security Forces in identifying and recording racist or xenophobic incidents. The text of the handbook, which is available in Spanish and English, is available on the Internet (http://explotacion.mtin.gob.es/oberaxe/inicio_descargaFichero?bibliotecaDatoId=217);

(c) Designed projects to serve as tools for effectively combating racism and xenophobia. A variety of activities and projects have been carried out in several fields, including, in the area of employment and business, the "Managing Diversity" (GESDI 2011) project and the "Managing Cultural Diversity in Small and Medium Enterprises" project (GESDIMEP).

171. The Alliance of Civilizations is worth mentioning in this regard as a key instrument used by Spain — and the other countries that have joined this initiative — to combat racism and xenophobia at the international level, by means of its focus on the four main areas of inspection, education, youth and the media. The ultimate goal of the Alliance is to improve understanding and cooperation between nations and peoples of various cultures and civilizations (not only Muslim and Western), and in so doing, to help turn back the forces that fuel polarization and extremism. In this manner, it aspires to building trust and sympathy among different communities and respect and understanding between cultures, as well as to strengthening the voices of moderation and reconciliation that could help to defuse cultural and religious tensions between nations and peoples, since these tensions are what underlie racism and xenophobia.

172. As regards the Gypsy population, data on membership in a group defined in terms of race, ethnicity, sex, religion or other economic and social circumstance are protected by law, which is why they do not appear in the official statistics on population. Information provided by the Ministry of Health, Social Services and Equality and extracted from various sociological studies and reports indicates that the Gypsy population of Spain numbers around 725,000 to 750,000 persons, representing approximately 1.6 per cent of the total population of Spain. The Programme for the Advancement of the Gypsy People is one of the key measures designed to assist the Gypsy population; its goal is to enable this population group to access standard public services in the areas of education, health, housing and employment on an equal basis with the rest of the population.

173. Each year, an average of 80 projects are implemented. For the most part, these are co-financed and managed by district councils in 15 of the autonomous regions, with co-financing by the central, regional and local governments at a year-on-year average (2010–2013) of €2,836,314.58. Total funding for this four-year period was €11,345,258.33. In addition, through invitations to apply for grants, which are financed by 0.7 per cent of the personal income tax and managed by the Ministry of Health, Social Services and Equality, and to a lesser extent, through invitations to apply for grants from other ministries, an annual average of 130 programmes, managed by 23 NGOs in 68 localities, receive grants amounting to an annual year-on-year average (2010–2013) of €5.5 million. Total funding over this five-year period amounted to €27,448,901.36. Programmes in the following areas have been deemed priorities: training and employment programmes; training programmes for mediators; comprehensive social welfare programmes; programmes and services to promote children's education and compulsory schooling; programmes to encourage students to stay on in secondary and higher education; literacy and social skills programmes for Gypsy women; and prevention and health education programmes for Gypsy women. Note should be taken of the Action Plan for the Advancement of the Gypsy Population 2010–2012 by the Ministry of Health, Social Services and Equality, and of the adoption, in 2012, of the National Strategy for the Integration of the Gypsy Population in Spain 2012–2020 at the behest of the European Union. The Strategy focuses on four fundamental areas: education, employment, housing and health, although it also addresses other complementary activities in such areas as social welfare, participation of the Gypsy population, knowledge improvement, the gender mainstreaming approach, non-discrimination and the promotion of equal treatment, social awareness and the promotion and development of culture; the Roma population from other countries; the micro-territorial approach; and political action at the European Union level.

174. The Council of Ministers approved the Plan of Action for the Advancement of the Gypsy Population 2010–2012, with the participation of the State Council of the Gypsy People and the various ministries whose activities have the greatest impact on the Gypsy community.

175. The State Council of the Gypsy People, a State-level body, was established in 2005 (Royal Decree No. 891/2005 of 22 July on the establishment and regulation of the State Council of the Gypsy People) and was formally instituted on 20 June 2006. Its aim is to establish the necessary conditions for the effective participation of the Gypsy population. It is currently attached to the Directorate General for Children's and Family Services under the Ministry of Health, Social Services and Equality. One highlight in the area of culture is the establishment of the Gypsy Cultural Institute, which is a foundation of the Ministry of Education, Culture and Sport.

176. With regard to sport, in accordance with Act No. 19/2007 of 11 July on combating violence, racism, xenophobia and intolerance in sport, and its implementing regulations, which were approved by Royal Decree No. 203/2010 of 26 February by the State Commission against Violence, Racism, Xenophobia and Intolerance in Sport, racist and

xenophobic acts covered by the Act are investigated and, where appropriate, penalties are recommended. A variety of measures to encourage tolerance and integration in sport have also been established. The National Office on Sports in the Directorate General of the Police is the central collection point for all complaints filed at national sporting venues, which are subsequently transmitted to the Standing Committee of the State Commission against Violence, Racism, Xenophobia and Intolerance in Sport. The latter submits a recommendation to the corresponding governmental authorities for the penalty to be imposed on the perpetrators of the offences prescribed by law.

177. In the field of education, the Master Plan for Tolerance and Improved Safety in Schools and Surrounding Areas has been implemented. The Plan calls for the inclusion of racism and xenophobia in the topics to be addressed in talks given to students and others in the educational community, as well as activities to raise awareness about Internet racism.

C. Equality between men and women and non-discrimination on grounds of sexual orientation

178. The general constitutional framework of Spain amply embodies the principle of equal treatment and non-discrimination. The Spanish Constitution upholds equality as one of the highest values of the national legal order and stipulates that it is the duty of the State to guarantee it (art. 1, para. 1, and more specifically, art. 14). Furthermore, article 9, paragraph 2, imposes an obligation on the public authorities to remove obstacles to, and promote the conditions necessary for, achieving genuine and effective equality. The State Secretariat for Social Services and Equality, which is part of the Ministry of Health, Social Services and Equality, is responsible for promoting the policies of equality and non-discrimination on the grounds of sex, racial or ethnic origin, religion or ideology, sexual orientation or identity, age, disability or any other condition or personal or social circumstance. The latest study of the European Union Agency for Fundamental Rights conducted in 2013 on the subject of discrimination on the basis of sexual orientation and identity shows Spain to be among those countries in which sexual orientation can be more freely experienced and expressed, indicating that it also has an ample legislative framework on the subject, including, notably, the Gender Identity Act, No. 3/2007. Moreover, Act No. 13/2005 provides for the amendment of the Civil Code in relation to the right to marry and authorizes couples of the same sex to marry, while granting them the same rights and duties as other married couples, including the right to adopt.

179. With regard to policies on equality between women and men, two main laws should be mentioned:

- Organic Act No. 1/2004 of 28 December 2004 on general measures of protection against gender-based violence;
- Organic Act No. 3/2007 of 22 March 2007 on effective equality between men and women.

180. The adoption of the Equality Act implies the recognition of the principle of equal treatment and opportunity as a fundamental component of all actions taken by the public authorities. The multidimensional nature of this Act is reflected in the 27 amendments it introduced to a wide variety of laws (electoral system, judiciary, employment, workers' charter, social security, health, education, asylum, armed forces, national police forces etc.).

181. The Equality Act prescribes the need for a balance between women and men in all decision-making bodies by stipulating that neither sex must make up more than 60 per cent or less than 40 per cent of the membership of such bodies. This proportion has become a requirement for electoral lists, and the Organic Act on the Electoral System has been

amended accordingly. The boards of directors of major corporations are invited to reach the same target in 2015.

182. The Equality Act requires the Government to provide for the formulation of implementing regulations for Act No. 30/2003 of 13 October on measures to incorporate an assessment of the impact of gender on legislative provisions. To that end, Royal Decree No. 1083/2009 of 3 July on rules relating to legislative impact studies was promulgated, and in the same year, the Council of Ministers adopted a methodological guide for preparing such studies. In accordance with the second additional provision of the Royal Decree, a report is prepared each year on the impact of gender in the preliminary bill of the general State budget.

183. After evaluating the 2008–2011 Strategic Plan for Equal Opportunity and its predecessors, and following an analysis of the current situation and identification of the main obstacles to equal opportunity for women and men, the Institute for Women prepared the 2013–2016 Strategic Plan for Equal Opportunity. The measures outlined in the Plan were structured around the following issues: equality in employment; conciliation and co-responsibility; elimination of gender-based violence; women's participation in political, economic and social life; education; specific measures in the areas of health and sport; media and the information society; and a specific component on foreign policy and international cooperation. In some priority areas, such as gender-based violence, the National Strategy for the Elimination of Violence against Women has already been implemented and, in the area of employment, it will be implemented through the Special Plan for Equality between Women and Men in Employment and to Combat Wage Discrimination.

184. According to the Organization for Economic Cooperation and Development (OECD) report entitled "Closing the Gender Gap: Act Now", which was published in December 2012, Spain has seen the largest decline in gender gaps in employment in the OECD countries. It indicates that the increased educational attainment of Spanish women helped to reduce the gender gap in labour force participation, which declined from 50 percentage points in 1980 to 20 percentage points in 2007 and continued to decrease as well during the economic crisis, dropping to 13.5 percentage points in 2011. The report also indicates that the number of women in leadership positions in Spain places the country above the OECD average. In 2010 the proportion of female senior managers in Spain was 34 per cent.

185. Implementing regulations for Organic Act No. 2/2010 of 3 March on sexual and reproductive health and on the voluntary interruption of pregnancy are set out in Royal Decree No. 825/2010 of 25 June on the partial implementation of Organic Act No. 2/2010, and in Royal Decree No. 831/2010 of 25 June on guaranteeing the quality of assistance provided for the voluntary interruption of pregnancy. An action has been brought before the Constitutional Court challenging the constitutionality of this Act; however, the Court has not yet handed down a decision. A proposal is currently being made to repeal the Act and to replace it with a new one that would allow for the interruption of pregnancy only in certain prescribed circumstances.

186. For more than two decades, Spain has been firmly committed to the cause of eliminating violence against women. Organic Act No. 1/2004 of 28 December on measures of comprehensive protection against gender-based violence is aimed at eliminating one of the most common forms of violence that is inflicted on women by their current or former spouses or partners. The Act defines gender-based violence as any act of physical or psychological violence, including sexual abuse, threats, coercion or arbitrary detention, committed against women by men who are or have been their spouse or partner or who have or have had a similar affective relationship with them, even if not in cohabitation. The Act provides for a comprehensive and coordinated response involving all levels of government; it establishes full protection measures with the aim of preventing, punishing

and eliminating such violence and assisting victims, regardless of their origin, religion or any other personal or social condition or circumstance. The Special Government Office on Gender-based Violence is the government body responsible for preventing and eliminating violence against women. It compiles and publishes data on the impact and evaluation of the measures taken, which are available through its Statistics Portal.[6] The regional governments also have their own laws and/or specific plans and programmes to combat this type of violence.

187. The 2013–2016 National Strategy for the Elimination of Violence against Women was adopted in July 2013. It forms the backbone of government action to put an end to this type of violence, bringing together 284 measures in a single document and in a logical, coordinated and systematic fashion. These measures pertain to all levels of government and all public authorities, and the budget for their execution is estimated at €1,558,611,634. The objectives of the Strategy include: breaking the silence; improving institutional responsiveness; attending to children and women who are particularly vulnerable to gender-based violence; and raising awareness of and addressing other forms of violence against women. A noteworthy development in this connection was the launching by the Ministry of Internal Affairs of the Integrated Tracking System in Cases of Gender-based Violence. The various institutions in Spain dedicated to stopping gender-based violence (the police, the courts, prosecutors, prison administrations, social services and organizations that promote gender equality) are gradually being included in the system. This software application brings together the operational information and resources needed to assist victims, and its objective is to combine resources, assess risks and develop an effective follow-up to protection measures. It allows for the inclusion of data on women who are under threat, the performance of ongoing risk assessments and the adoption of appropriate measures in each case. As at 31 December 2013, 311,502 cases of women victims of gender-based violence had been recorded in the system; of these, 64,068 were active cases that had been assigned follow-up and/or police protection. In addition, the System for the Telematic Tracking of Restraining Orders for Gender-based Violence has been set up. Consideration is also being given to granting temporary residence and work permits in Spain, on the grounds of exceptional circumstances, to foreign women who are victims of gender-based violence.

188. Trafficking in persons is a very serious crime and constitutes a violation of human rights. It is a phenomenon that has recently taken on alarming proportions, owing to the substantial profits to be made, and has become one of the most abhorrent ways in which human beings are reduced to mere commodities. The ratification by Spain of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw Convention) has led to the incorporation of various legislative and other measures in the Spanish legal order whose aim is to reinforce the levels of protection and assistance provided to victims and strengthen efforts to prosecute offenders. The reform of the Criminal Code (Organic Act No. 5/2010), pursuant to which title VII bis was inserted in the Code, is a noteworthy example. Under article 177 bis of the Criminal Code, human trafficking has, for the first time, been characterized as an offence, using the definition of trafficking in persons found in the Palermo Protocol and the Council of Europe Convention. In addition, as part of the reform of the Aliens Act (Organic Act No. 2/2009 and Organic Act No. 10/2011 of 17 July) a special status was established for foreign nationals not lawfully present in the territory of the State who are victims of human trafficking. This reform was given effect in articles 140 to 146 of the implementing regulations of Organic Act No. 4/2000, which was approved by Royal Decree No. 557/2011 of 20 April. Article 140 of these regulations provides for the development of a Framework Protocol for the

[6] www.msc.es/ssi/violenciaGenero/portalEstadistico/boletinmensual/home.htm.

Protection of Human Trafficking Victims. The latter was adopted on 28 October 2011, by means of an agreement between the Ministry of Health, Social Policy and Equality, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Labour and Immigration, the Attorney General's Office and the General Council of the Judiciary. The Protocol establishes operational guidelines for detecting, identifying, assisting and protecting victims of human trafficking and for coordinating the efforts of the institutions performing these functions. It outlines procedures for liaison among the various territorial governments with competence in this matter and for communication and cooperation with organizations and agencies that have proven experience in assisting such victims, the aim being to ensure an overarching approach to the various stages of the process, from detection through to the integration or return of the victim.

189. With regard to public policy on combating human trafficking, particular emphasis has been placed on combating one form of such trafficking through the adoption of measures contained in the 2009–2012 Comprehensive Plan to Combat Human Trafficking for Purposes of Sexual Exploitation. It is the first comprehensive instrument to deal with such trafficking from a multidisciplinary perspective by assigning responsibilities to various ministerial departments with competence in the matter and providing for the establishment of inter-agency mechanisms for coordination and cooperation, including, in 2009, the Social Forum against Human Trafficking for Purposes of Sexual Exploitation, which brings together public institutions and civil society. The implementation of the Plan is monitored by means of annual reports.[7] Once the evaluation of the Plan has been completed, a new comprehensive instrument to combat trafficking in women and girls for purposes of sexual exploitation will be adopted (adoption expected in 2015).

190. In the area of law enforcement, since April 2013 efforts have been under way to develop a new police plan to combat human trafficking for purposes of sexual exploitation, which would establish the following priority objectives:

- To strengthen prevention in order to reduce demand, promoting and implementing programmes on prevention, cooperation and awareness-raising that are directed towards society as a whole;
- To improve detection and provide greater protection and assistance to national and transnational victims of sexual exploitation;
- To redouble efforts to prosecute members of criminal gangs by deepening investigations into each of the criminal offences that constitute sexual exploitation, including human trafficking, prostitution-related offences, profit laundering, offences against sexual freedom and integrity, and other offences associated with this criminal conduct;
- To thoroughly examine all aspects of this type of activity with a view to responding more effectively to new trends in the various forms of sexual exploitation and identifying vulnerable groups more easily;
- To adapt and perfect software tools and databases so as to process and analyse the information gathered and to generate data that are more usable and reliable indicators that can be utilized to understand, identify and monitor this phenomenon;
- To strengthen cooperation and collaboration among all the institutions involved at the national and international levels.

191. Also in the area of law enforcement, a new Operational Plan to Combat Human Trafficking has been developed; it outlines actions that are geared to strengthening

[7] www.msssi.gob.es/ssi/violenciaGenero/tratadeMujeres/planIntegral/home.htm.

prevention and repression of the behaviours associated with human trafficking. The objective of the Plan is to improve the quality of support provided to victims of trafficking and to more efficiently prosecute the criminal organizations that engage in that crime. A toll-free hotline (900 105 090) and an e-mail address (trata@policia.es), which are attended 24 hours a day by specialized police officers, are available to respond to victims' requests for help or information or any other query related to this criminal activity, while guaranteeing users full confidentiality.

192. The application of the Framework Protocol for the Protection of Human Trafficking Victims is monitored by a follow-up committee. For its part, the Social Forum against Human Trafficking for Purposes of Sexual Exploitation promotes cooperation between NGOs and the territorial governments. It should also be noted that various projects have been set up to provide comprehensive assistance and support to victims of trafficking, and a variety of public information and awareness-raising campaigns have been organized, including the development of a resource guide on assistance provided to trafficking victims.

193. The Government is also preparing a comprehensive plan to combat human trafficking for purposes of labour exploitation, with the aim of enhancing legal safeguards and protecting victims of this crime. The plan will include law-enforcement and social measures and will involve the Ministries of Internal Affairs, Equality, Labour and Immigration, Foreign Affairs, and Justice. The plan will be supported by a suitable coordination and follow-up mechanism.

194. The Spanish Government's Action Plan for Implementing United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security, which was mentioned previously, is worth highlighting in this regard. The Plan has six key objectives:

- To promote women's participation in peacekeeping missions (the efforts carried out in this regard by the Monitoring Centre for Women in the National Police Forces and the Military Monitoring Centre for Equality are noteworthy examples);
- To incorporate a gender perspective in all phases of these missions;
- To provide specific gender training to personnel participating in missions, including modules on efforts to combat human trafficking and smuggling;
- To respect the human rights of women and girls in armed conflicts;
- To uphold the principle of equality in disarmament, demobilization and reintegration processes;
- To encourage civil society's participation in these endeavours.

195. Women's presence in the national police forces rose from 11.81 per cent in 2011 to 12.66 per cent in 2013. Their presence in the Guardia Civil rose from 6.27 per cent in 2011 to 6.60 per cent in 2013. Women have reached the highest ranks of the National Police Force, as chief of police (member of the Governing Board), and the Guardia Civil, as commander, as well as occupying various other positions of responsibility in both agencies. Women's presence in the armed forces has virtually doubled since 2000; the rate stood at 6.6 per cent until July 2014, when it rose to 12.5 per cent. In addition, 192 military servicewomen are carrying out missions abroad, accounting for 8.22 per cent of the total number of military personnel assigned to such missions.

Anexos

Anexo I

[Español solamente]

Partidos y coaliciones con representación en las Cortes Generales (X Legislatura)

Congreso de los Diputados

- Partido Popular: 170 diputados;
- Partido Socialista Obrero Español: 96 diputados;
- Convergència i Unió: 16 diputados;
- Partit dels Socialistes de Catalunya (PSC-PSOE): 14 diputados;
- Coalición "La Izquierda Plural": 11 diputados;
- Coalición "Partido Popular en coalición con el Partido Aragonés" (PP-PAR): 8 diputados;
- Coalición AMAIUR: 7 diputados;
- Coalición "Partido Popular-Extremadura Unida" (PP-EU): 6 diputados;
- Eusko Alderdi Jeltzalea-Partido Nacionalista Vasco (EAJ-PNV): 5 diputados;
- Unión Progreso y Democracia: 5 diputados;
- Coalición "Esquerra Republicana de Catalunya" (ERC/ESQUERRA): 3 diputados;
- Bloque Nacionalista Galego (BNG): 2 diputados;
- Coalición "Coalición Canaria-Nueva Canarias (CC-NC-PNC): 2 diputados;
- Coalición "Unión del Pueblo Navarro en coalición con el Partido Popular" (UPN-PP): 2 diputados;
- Coalición "Bloc-Iniciativa-Verds-Equo-Coalició Compromís" (Compromis-Q): 1 diputado;
- Foro de Ciudadanos (FORO): 1 diputado;
- Geroa Bai (GBAI): 1 diputado.

Senado

- Partido Popular: 156 senadores;
- Partido Socialista Obrero Español: 56 senadores;
- Convergència Democràtica de Catalunya: 8 senadores;
- Partit del Socialistes de Catalunya: 7 senadores;
- Euzko Alderdi Jeltzalea-Partido Nacionalista Vasco: 5 senadores;
- Partido dos Socialistas de Galicia- Partido Socialista Obrero Español: 5 senadores;
- Partido Socialista de Euskadi-Euskadiko Ezkerra (PSOE): 3 senadores;

- Convergència i Unió: 3 senadores;
- Partido Aragonés: 3 senadores;
- Unión del Pueblo Navarro: 3 senadores;
- Coalición Canaria: 2 senadores;
- Iniciativa per Catalunya Verds: 2 senadores;
- Izquierda Unida: 2 senadores;
- Unió Democràtica de Catalunya: 2 senadores;
- Asambleas Municipales de Fuerteventura: 1 senador;
- Centro Canario Nacionalista: 1 senador;
- Esquerra Republicana de Catalunya: 1 senador;
- Eukal Herria Bildu: 1 senador;
- Eusko Alkartasuna-Solidaridad Vasca: 1 senador;
- Foro de Ciudadanos- Foro Asturias: 1 senador;
- 3 senadores independientes.

Anexo II

[Español solamente]

Presencia de organizaciones no gubernamentales en España

Actualmente hay más de 3.000 ONG en España. Las más importantes (por el número de socios) son las que siguen:

- Fundación Plan Internacional España;
- UDP. Unión Democrática de Pensionistas y Jubilados de España;
- Cruz Roja Española;
- Médicos Sin Fronteras España;
- Intermón Oxfam;
- FEAPS. Confederación Española de Organizaciones en favor de las Personas con Discapacidad Intelectual;
- Ayuda en Acción;
- UNICEF;
- Fundación Intervida;
- Cáritas Española;
- AECC. Asociación Española Contra el Cáncer;
- Greenpeace;
- Manos Unidas;
- Anesvad;
- FACUA. Consumidores en Acción;
- Global Humanitaria;
- Amnistía Internacional, sección española;
- Médicos del Mundo;
- Ecologistas en Acción;
- ASDE. Federación de Asociaciones de Scouts de España;
- Fundación Vicente Ferrer;
- Federación de Asociaciones de Celiacos de España;
- Save the Children;
- Fondo para la Protección de los Animales Salvajes (FAPAS);
- WWF;
- Federación Española de Padres de Niños con Cáncer;
- SEO/BirdLife. Sociedad Española de Ornitología.